

REPORT OF THE COMMITTEE ON
ENROLLED BILLS.

Committee Room,
Austin, Texas, February 15, 1927.

Hon. Robert Lee Bobbitt, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 22, Regarding the dis-
charge of officers in the World War,
Have carefully compared same and
find it correctly enrolled.

MORSE, Chairman.

TWENTY-FOURTH DAY.

(Wednesday, February 16, 1927.)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Bobbitt.

The roll was called, and the following
members were present:

Acker.	Harding.
Albritton.	Harman.
Anderson.	Hefley.
Avis.	High.
Barnett.	Holder.
Barron.	Holland.
Bass.	Hornaday.
Bateman.	Jacks.
Beck.	Johnson.
Bird.	Jones.
Black.	Justice.
Boggs.	Kayton.
Bonham.	Kemble.
Boon.	Kennedy.
Branch.	Kincaid.
Brown.	King of Hopkins.
Conway.	King of
Cornwell.	Throckmorton.
Cox.	Kinnear.
Cummings.	Kirkland.
Daniel.	Land.
Davis.	Lipscomb.
DeBerry.	Loftin.
Denman.	Long.
Dunlap.	Loy.
Durham.	Masterson.
Duvall.	McCombs.
Enderby.	McGill.
Eickenroht.	Merritt.
Farrar.	Minor.
Faulk.	Montgomery.
Finlay.	Morse.
Fly.	Moursund.
Forbes.	Murphy.
Foster.	Nabors.
Gates.	Nicholson.
Gibson.	Olsen.
Gilbert.	Parish of Runnels.
Graves.	Parrish of Travis.
Gray.	Pavlica.
Hall.	Pearce.

Poage.	Storey.
Pool.	Stout.
Pope.	Sutton.
Porter.	Swain.
Powell.	Taylor.
Purl.	Teer.
Ramsey.	Turner.
Rawlins.	Van Zandt.
Reagan.	Veatch.
Renfro	Waddell.
of Angelina.	Walker.
Renfro of Mills.	Wallace
Rogers of Hays.	of Freestone.
Rogers of Shelby.	Wallace of Panola.
Rowell.	Wallace of Smith.
Sanders.	Ware.
Satterwhite.	Wassell.
Shaver.	Webb.
Shearer.	Wells.
Sheats.	Whitaker.
Shirley.	Williams
Simmons.	of Sabine.
Sinks.	Williams
Smith of El Paso.	of Travis.
Smith of Nueces.	Williamson.
Smith of Smith.	Woodall.
Smyth.	Woodruff.
Snelgrove.	Young.
Stevenson.	

Absent.

Runge.

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

A quorum was announced present.

Prayer was offered by Rev. J. C.
Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Runge for today, on motion of
Mr. Stout.

Mr. Kenyon for today and the balance
of the week, on motion of Mr. Shearer.

Mr. Dielmann for today, on motion of
Mr. Kayton.

Mr. Hagaman for today, on motion of
Mr. High.

Mr. Petsch for today and tomorrow,
on motion of Mr. Shaver.

The following members were granted
leaves of absence on account of illness:

Mr. Alexander for today, on motion
of Mr. Powell.

Mr. McKean for today, on motion of
Mr. Rogers of Hays.

Mr. Tillotson and Mr. Smith of Atascosa for today and indefinitely, on motion of Mr. Shearer.

Mr. Kirby for today and the balance of the week, on motion of Mr. Holland.

Mr. Fuchs for today, on motion of Mr. Smith of Nueces.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pearce:

H. B. No. 555, A bill to be entitled "An Act to amend Article 1816 of the Revised Civil Statutes of the State of Texas for 1925, so as to provide that the term of each Court of Civil Appeals shall begin on the first Monday in September of each year and continue in session until the first Monday in July of each succeeding year, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Pool:

H. B. No. 556, A bill to be entitled "An Act to amend Article 7596, Chapter 1, Title 128, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, to authorize conservation and reclamation districts co-operating under contract with the United States to waive the preference lien given them by statute, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Pool:

H. B. No. 557, A bill to be entitled "An Act to amend Article 7752, Chapter 2, Title 128, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, to authorize conservation and reclamation districts obtaining a water supply under contract with the United States to waive the statutory lien given them, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Jacks and Mr. Masterson:

H. B. No. 558, A bill to be entitled "An Act defining certain words and phrases; vesting in the Railroad Commission of Texas power and authority to fix and prescribe the rates, rules, regulations and practices of certain per-

sons and corporations engaged in a public utility service in Texas, including every person or corporation owning, leasing or operating any plant, property, equipment or facility defined in this act as a 'public utility' or 'utility'; excepting certain utility properties therefrom; providing for the appellate jurisdiction of the commission; authorizing the commission to establish a system of accounts for public utilities and to require the keeping of separate accounts respecting various phases of their business, and fixing rules and regulations with respect thereto; providing for annual reports to be made by the commission; authorizing the commission to require every public utility, as defined by this act, to supply sufficient, efficient and adequate service and to make reparations; authorizing the commission to find and fix the fair value or cost or both of the properties of the public utilities subject to this act; providing that no rate or charge of such public utilities, jointly or severally, shall ever be excessive or exorbitant, and that same shall be non-discriminatory and non-preferential and that all rules and regulations shall be just and reasonable; providing for the classification of such utilities and that no utility, subject to the authority of the commission, shall establish, abolish or change any rate, rule, regulation or practice without approval of the commission; providing for hearings by the commission on the application of such utilities, on the motion of the commission or on the complaint of other constituted authorities or persons; authorizing the commission to supersede rates, rules or regulations pending any hearing and to enforce other rates, and to prescribe the conditions under which same may be done; authorizing the commission to institute suit for the recovery of any excess rates collected and to make distribution thereof; authorizing the commission to require joint or connected service between utilities subject to this act; authorizing the commission to require the use by one utility of the property and plant of another utility subject to this act; requiring every such public utility to file with the commission, on demand, a schedule of its rates, rules, regulations and practices, and of any agreements or arrangements it may have with any other utility, whether subject to this act or not; requiring the utilities subject to this act to file with the commission their rates, rules and regulations and inhibiting the

enforcement thereof on failure to do so; authorizing the commission to determine the operating expenses of each utility subject to this act; and providing for a depreciation or replacement reserve; providing for unnecessary duplication of plants or service, and authorizing the commission to prevent or authorize such duplication and competition; authorizing one utility, subject to this act, to purchase, lease or otherwise acquire the property of another such utility upon approval by the commission; authorizing one utility to act as the agent of another utility upon the approval of the commission; prohibiting any utility, subject to the control of the commission, from demanding or collecting any rate or charge, other than that fixed by the commission; providing for a fair hearing before the commission on all matters affecting the public utilities subject to this act; providing that a majority of the commissioners shall constitute a quorum and that hearings may be had by the commission or any one or more of the members thereof, within or without the State of Texas; authorizing the commission or any commissioner to issue notices, subpoena or other process, and empowering the officers of this State to serve same; authorizing the chairman of the commission, the secretary thereof, and each commissioner, to administer oaths and certify to all official acts of the commission, and to punish for contempt as courts of record in this State are authorized to do; authorizing the commission to inquire into the affairs of other persons or corporations furnishing supplies, equipment or service to any utility subject to this act; providing for a rehearing before the commission and for a judicial review of any order or decision of the commission by a district court of Travis county, Texas, having jurisdiction of the subject matter, and providing for an appeal to the appellate courts of this State of any final order or decision of such district court; providing that such appeals to the appellate court shall be advanced and that the findings of the Courts of Civil Appeals on the facts shall be conclusive, but that appeals may be taken to the Supreme Court of this State on points of law; prescribing the conditions under which the injunctions or restraining orders shall issue by any court suspending or staying any order, rule, regulation or decision of the commission; authorizing the commission to adopt and put in force emergency rates and regulations; authorizing the commission to employ

counsel and two assistants, and prescribing their compensation; authorizing the commission to employ, from time to time, examiners, engineers, clerks and other persons deemed by the commission necessary to enforce the provisions of this act; fixing the witness fees and mileage allowance of all witnesses appearing before the commission; providing for the punishment of witnesses; requiring each utility, subject to this act, to file with the commission a verified statement annually, showing the gross income of such utility and imposing an annual gross receipts charge upon each utility subject thereto; fixing fees to be charged by the commission for copies of all papers and records; allowing each member of the commission an additional sum as salary of \$2,500 per annum, and providing that same shall be paid out of and from the utilities fund provided for herein, and that all other salaries, fees and charges incurred by the commission shall be paid out of such funds, and appropriating \$75,000, or so much thereof as may be necessary, for the use of the commission in carrying out the provisions of this act until such time as the utilities fund provided for herein shall become available; requiring every public utility, subject to this act, to maintain an office in one of the counties of this State, and authorizing the commission to compel the production of books, accounts, records, vouchers and other data of every such utility, requiring every utility, subject to this act, to comply with and obey the orders of the commission, and fixing a penalty for failure so to do, and prescribing the jurisdiction of the courts of Texas in enforcing such penalty and for the recovery thereof; providing for the enforcement of the provisions of this act by the Attorney General of the State on complaint or request of the commission, and prescribing the remedies therefor; providing for the appointment of receivers for such utilities or of their property within the State of Texas for a violation of the provisions of this act or any order of the commission; prohibiting any employe of the commission to divulge any fact coming to his knowledge as such employe, and fixing a penalty therefor; providing that the various sections and other provisions of this act are separable; repealing all laws and parts of laws in conflict herewith but reserving all remedies for any violation of any law or part of any law in conflict herewith and repealed hereby; creating a Public Utilities Commission of Texas on

certain conditions and vesting same with the powers of this act, providing for their appointment and fixing the compensation of the members, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Merritt:

H. B. No. 559, A bill to be entitled "An Act creating a more efficient road system for Scurry county, Texas; vesting the commissioners court with authority to lay out, drain, repair and maintain such system of roads, and make contracts therefor, purchase teams, tools and machinery therefor; to make payment therefor; giving said court authority to procure and occupy lands and make payment therefor; providing for the acquisition of road building materials and make payment therefor; providing for compensation to be paid the county commissioners and to the county judge in connection with their road duties; providing for the payment of gasoline and lubricating oil expenses in connection with road duties; providing that the county commissioners shall be ex-officio road commissioners of their respective precincts, and that the county judge shall be ex-officio road commissioner at large of said county; providing that the county judge shall preside over the commissioners court, and providing his compensation therefor; provided that able-bodied men between the ages of twenty-one and forty-five years shall be liable for road duty and shall pay five dollars a year therefor, and providing for the assessment and collection thereof; making it a misdemeanor to fail or refuse to pay such road tax and fixing a penalty therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Shirley:

H. B. No. 560, A bill to be entitled "An Act to abolish all existing laws of this State affecting divorce; removing divorce proceedings from the jurisdiction of the several district courts and placing the same under the jurisdiction of the several county courts; defining grounds for divorce; providing method of procedure and duties of officers in such cases, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Teer:

H. B. No. 561, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Brown:

H. B. No. 562, A bill to be entitled "An Act to amend Article 373, Chapter 6, Title 8, Revised Criminal Statutes, 1925, relating to the interest of trustees of independent school districts in depository banks, and declaring an emergency."

Referred to Committee on Education.

By Mr. Teer:

H. B. No. 563, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State government, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Teer:

H. B. No. 564, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1926, and August 31, 1927, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Barron:

H. B. No. 565, A bill to be entitled "An Act to amend Article 1021, of Chapter 2, of Title 15, of the Code of Criminal Procedure, Revised Criminal Statutes of Texas, so as to provide for the payment of \$20 per day for each day district attorneys in certain districts attend any session of the district court in their respective districts, in the necessary discharge of their official duties, and for each day they represent the State at examining trials, inquest proceedings in vacation, and providing the manner of the payment thereof, and for each day necessarily used in going to and from one court to another in the necessary and official discharge of their duties; repealing all laws in conflict therewith."

Referred to Committee on Criminal Jurisprudence.

BILL ORDERED PRINTED.

Mr. Barnett moved that House bill No. 309, reported adversely with a minority favorable report, be printed.

Mr. DeBerry moved the previous question on the pending motion to print the bill, and the main question was ordered.

Question then recurring on the motion to print, it prevailed.

COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Brown, the committee substitute to House bill No. 315 was ordered printed instead of the original bill.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Harman, Senate bill No. 195 was ordered not printed.

On motion of Mr. Wells, House bills Nos. 426 and 480 were ordered not printed.

On motion of Mr. Kennedy, House bill No. 524 was ordered not printed.

On motion of Mr. Wallace of Free-stone, Senate bill No. 227 was ordered not printed.

BILLS RECOMMITTED.

On motion of Mr. Brown, House bills Nos. 423 and 440 were recommitted to the Committee on Public Lands and Buildings.

BILL RE-REFERRED.

On motion of Mr. McCombs, House bill No. 429 was withdrawn from the Committee on State Affairs and referred to the Judiciary Committee.

(Mr. Satterwhite in the chair.)

MESSAGE FROM THE GOVERNOR.

Mr. Carl L. Phinney, assistant secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

To the Honorable Fortieth Legislature of Texas.

Gentlemen: In a previous message to the Legislature, I suggested that you ascertain the present financial status of the penitentiary and that you cause an inventory to be made of its property, based upon its present market value. I said that when this had been done the penitentiary should be placed upon a cash basis in so far as the revenues of the State will permit, so that the State may avoid the interest account incident to the obligations of the sys-

tem, and to the end that the State will not have to suffer a loss by buying at high prices on a credit basis. The plan of buying upon credit wherever credit can be secured, and operating the system on a twelve months' credit basis, I am informed by those in charge of the prison affairs, has lost money for the State, because the method requires the State to pay high prices. At the present time the State is paying interest at the rate of six per cent on an indebtedness of more than seven hundred thousand dollars, even after the Brown-Crummer notes of \$750,000 were paid in February 1, 1927.

Some figures with reference to the financial condition of the penitentiary at the close of the years 1924, 1925 and 1926 will undoubtedly impress your minds with the seriousness of the financial condition of the prison system. The figures which I shall quote are taken from the annual reports of the prison system, and from figures furnished by the Board of Prison Commissioners as to its present status.

The report of the Prison Commission on December 31, 1924, shows debts due by the system as follows:

First mortgage bonds.....	\$ 100,000.00
Audited vouchers	91,276.38
Payroll reserve	235.49
Reserve account for taxes.	29,012.91
Due transfer agent.....	1,178.29
Accounts payable	12,968.25
Land notes	376,366.05
Brown-Crummer notes ...	750,000.00
Current notes	111,345.20
Notes given prior to 1915.	7,433.07

Total	\$ 1,479,815.64
Cash on hand.....	289,642.27

Net indebtedness as of

December 31, 1924....\$ 1,190,173.37

The report of the Prison Commission on December 31, 1925, shows an indebtedness as follows:

First mortgage bonds.....	\$ 100,000.00
Audited vouchers	151,512.33
Reserve account for taxes.	29,012.91
Due transfer agent.....	193.46
Accounts payable	12,733.52
Land notes	310,366.05
Brown-Crummer notes ...	750,000.00
Current notes	284,928.44
Notes given prior to 1915.	7,433.07

Total	\$ 1,646,179.78
Cash on hand.....	210,241.82

Net indebtedness as of De-

cember 31, 1925.....\$ 1,435,937.96

On December 31, 1926, the prison system owed debts as follows:

Land notes	\$ 323,716.95
Brown-Crummer notes ...	750,000.00
Current notes	708,570.11
Notes given prior to 1915.	7,433.07
Accounts payable	91,836.88
First mortgage bonds.....	100,000.00
Reserve account for taxes.	29,012.00

Total	\$ 2,010,569.01
Reserve cash on hand.....	\$ 170,154.06

Net indebtedness as of December 31, 1926.....\$ 1,840,414.95

Net indebtedness, December 31, 1926.....\$ 1,840,414.95

Net indebtedness, December 31, 1924.....1,190,173.37

Net losses in the biennium beginning Jan. 1, 1925, and ending Jan. 1, 1927\$ 650,241.58

Figures from statement furnished on February 15, 1927, show the condition of the indebtedness as follows:

Land notes	\$ 325,126.84
Current notes	743,902.60
Interest on current notes.	12,429.53
Accounts payable	43,475.40
Other notes	16,080.82

Total	\$ 1,141,015.19
First mortgage bonds.....	\$ 100,000.00
Reserve for taxes.....	29,012.91
Notes given prior to 1915.	7,433.07

Total	\$ 1,277,461.17
Less cash on hand.....	\$ 140,731.26

Present indebtedness of the Prison System\$ 1,136,729.91

It is to be noted that the last tabulation above does not include the audited vouchers outstanding, and those figures are not available as of February 15, 1927. Audited vouchers unpaid should be added to this indebtedness to show the total net indebtedness of the prison system at this time. On February 1, 1927, the Brown-Crummer indebtedness of \$750,000.00 was paid from appropriations out of the general revenue fund of the State. This reduced the indebtedness by the sum of \$750,000.00, plus the interest due at that time. On this indebtedness the State was paying inter-

est at the rate of five per cent per annum. Except for the payment of the Brown-Crummer notes the present indebtedness would be approximately \$1,886,000.00.

I attach hereto a statement furnished by the Board of Prison Commissioners as to the debts of the system. I want to call your especial attention to the tremendous number of notes which have been issued in settlement of invoices for goods purchased in the operation of the Texas Prison System. These notes, as I understand, are given for supplies purchased through the year. I also want to call your attention to the fact that they all bear interest at the rate of six per cent per annum, with the exception of one item which bears eight per cent. At the present time the State is paying interest on more than \$700,000.00 at the rate of six per cent, and it occurs to my mind that six per cent is a high rate of interest for the State of Texas to have to pay on its obligations.

The Board of Prison Commissioners estimate that the amount of money necessary for the operation of the Texas Prison System to September 1, 1927, is \$874,000.00. At the present time the system has in cash, \$140,731.26. If this amount is deducted from the estimated needs of the system between now and September 1 it leaves the estimated needs at \$733,268.74.

It will be seen from the most cursory examination of the figures that the prison system was further in debt on January 1, 1926, than it was on January 1, 1925, and it will be observed that the system was further in debt on January 1, 1927, than it was on January 1, 1926. It is to be observed that it will take nearly two million dollars to place the system on a cash basis and keep it there from now until September 1, 1927. The obligations of the system are inherited by this administration, and it is a condition which is forced upon the present administration. I have no purpose or desire to seek to avoid this obligation or the responsibility of meeting and settling it. I have a suggestion to make to the Legislature with reference to this matter, and it is as follows:

That an appropriation be made to pay the outstanding debts of the prison system which are now due, or which mature between now and the 1st of September, 1927; that money be appropri-

ated to meet the current operating expenses of the system between now and September 1st, and that this appropriation of the money be so worded that it will be available in monthly allotments on the first of each month to meet the current monthly expenses of the system. For the future the Board of Prison Commissioners should be required to deposit all receipts from the operation of the State Prison System in the State Treasury to the credit of the general revenue fund. The Prison Commission should then present a budget to the Legislature of the money needed for the operation of the prison system, and that money should be made available to them, but the receipts of the system should be deposited to the credit of the general fund. This will save the State in the future from paying interest at the rate of six per cent per annum on the obligations incurred in the management of the prison system, and make it possible for our prison supplies to be bought on a cash basis, and at the better price incident to purchasing in quantities for cash. The placing of the funds in the Treasury will also make the funds subject to our general accounting system.

Certainly the Legislature will agree that the State of Texas should not be called upon to buy its supplies on credit and pay interest on three-fourths of a million dollars at the rate of six per cent per annum throughout the year.

The accounts of the prison system and its history over the past few years clearly demonstrate that fundamental evils exist in the organization. The cause of these losses can not be attributed to a single thing, but there are likely a number of causes which have contributed to the present financial condition of the system. To state the amount of money which has been lost in the management of the system is sufficient to convince the ordinary mind that there are fundamental evils which must be reached and corrected before the State can expect its prison system to be placed upon a self-supporting basis. Men will with one accord agree that a prison system properly organized can be made self-sustaining, because of the fact that it uses only free labor.

The people of Texas are acquainted

with the losses that the prison system has suffered and the amount of their tax money that has been taken to meet its obligations, and having knowledge of this condition, voted to amend the Constitution that remedial legislation might be passed, and placed upon the Legislature the duty of carrying their expressed will into effect. There is but one conclusion which can be drawn from the adoption of the amendment, and that is that the people desire a comprehensive reorganization of the properties and management of our penal institution. The duty rests upon the Legislature to give a practical effect to the amendment adopted, and make those changes which are most likely to place our prison system on a self-supporting basis and relieve the people from paying deficits in the future.

The plain intent of the amendment is that a board shall be created to manage the affairs of the prison system. Experience has taught us that boards vested with plenary power concerning the matters trusted to their control have been efficient and economical in the administration of public affairs.

I wish to here reiterate what I said in a former message to the Legislature:

"I respectfully suggest that an act be passed providing for the creation of a Prison Board, fixing the number of members, the term of each member, and prescribing the time of meeting. The commission should not be a salaried board, but its members should be paid their expenses and a nominal sum for the time spent in attending meetings and visiting the prison system. The executive office will be charged with the responsibility for the management of the prison system, and its affairs should not be entirely removed from the Governor's control. Therefore I suggest that the board, with the consent of the Governor, be given power to select a manager. The salary of the manager should be fixed by law at a sufficient sum to insure that an experienced and trained man could be secured for the position. The board should have power to remove the manager, and the members of the board should be subject to removal as other officers, by quo warranto proceedings. The board should further have authority to buy and sell real estate for the prison system with the consent of the Governor. Some provision should be made to change the system of keeping the funds of the peni-

tentiary in various banks and making the State Treasury the depository for the funds of that institution, with authority in the manager to approve accounts for payment by the issuance of warrants by the Comptroller and payment by the Treasurer, of a limited amount, without the consent of the board, but in any amount with the consent of the board. The manager should be required to report to the board and annually to the Governor. The manager, with the consent of the board, should have the power to prescribe reasonable rules and regulations governing the discipline of the prisoners, and he should have authority to employ and discharge other employes, with the consent and approval of the board."

I do not feel justified in calling upon the Legislature to appropriate this enormous sum of money without at the same time calling their attention to the need for reorganization of the system to the end that in the future a Governor will not be forced to the embarrassment of asking the Legislature to appropriate money to meet the deficits of the State prison system. The condition is one which demands immediate relief, because delay involves losses to the people, and I respectfully suggest that this is a subject which not only deserves but demands serious consideration and prompt action on your part.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

NOTES ISSUED IN SETTLEMENT OF INVOICES FOR GOODS PURCHASED IN THE
OPERATION OF THE TEXAS PRISON SYSTEM.

To Whom Issued.	Date Due.	Interest rate, Per Cent.	Amount.
Frank Cook.....	Feb. 19, 1927	6	\$ 23,645.40
Schwartz Bros.....	Feb. 19, 1927	6	2,960.00
J. S. Bowser.....	Feb. 19, 1927	6	22,585.00
Ross Bros.....	Feb. 19, 1927	6	6,108.50
Cook Bros.....	Feb. 19, 1927	6	4,075.00
Flaxman Dry Goods Co.....	Feb. 19, 1927	6	57,588.68
Houston Drug Co.....	Feb. 19, 1927	6	6,961.87
Rose Mfg. Co.....	Feb. 19, 1927	6	20,089.75
Schuhmacher Co.....	Feb. 19, 1927	6	23,445.23
E. C. Palmer & Co.....	Feb. 19, 1927	6	4,818.18
G. A. Kelly Plow Co.....	Feb. 19, 1927	6	1,456.35
John Deere Plow Co.....	Feb. 19, 1927	6	2,333.20
Oliver Chilled Plow Co.....	Feb. 19, 1927	6	7,164.21
F. W. Heitmann Co.....	Feb. 19, 1927	6	2,796.74
Dittlinger Roller Mills.....	Feb. 19, 1927	6	15,141.50
Black Hardware Co.....	Feb. 19, 1927	6	15,612.72
Galveston Dry Goods Co.....	Feb. 19, 1927	6	8,056.56
Southern Drug Co.....	Feb. 19, 1927	6	6,789.20
Wilder & Co.....	Feb. 19, 1927	6	9,064.82
Clement Grain Co.....	Feb. 19, 1927	6	17,137.30
The Murray Co.....	Feb. 19, 1927	6	2,572.03
Parke Davis & Co.....	Feb. 19, 1927	6	1,753.63
Standard Heel and Counter Co.....	Feb. 19, 1927	6	2,577.63
Pfister & Vogel Leather Co.....	Feb. 19, 1927	6	2,448.19
Surgical Selling Co.....	Feb. 19, 1927	6	831.57
Northrup and Clark.....	Feb. 19, 1927	6	422.09
Northrup and Clark*.....	Feb. 19, 1927	6	151.30
Norwich Pharmacal Co.....	Feb. 19, 1927	6	2,334.06
Defiance Iron Works.....	Feb. 19, 1927	6	325.18
N. O. Nelson Mfg. Co.....	Feb. 19, 1927	6	833.83
Graham Paper Co.....	Feb. 19, 1927	6	174.50
Tobin Hamilton Leather Co.....	Feb. 19, 1927	6	7,808.40
Texas Photo Supply Co.....	Feb. 19, 1927	6	1,994.12
Rody Bros.....	Feb. 19, 1927	6	431.25
Moncrief Lenoir Mfg. Co.....	Feb. 19, 1927	6	1,032.07
Palestine Salt Co.....	Feb. 19, 1927	6	1,673.75
Peaslee Gaulbert Co.....	Feb. 19, 1927	6	2,195.81
International Harvester Co.....	Feb. 19, 1927	6	1,020.25
Houston Packing Co.....	Feb. 19, 1927	6	22,311.34
Grantville Hosiery Mills.....	Feb. 19, 1927	6	3,105.91
Houston Leon County Coal Co.....	Feb. 19, 1927	6	20,496.77
McKean-Eilers Co.....	Feb. 19, 1927	6	3,451.52
Kimbell Milling Co.....	Feb. 19, 1927	6	22,853.88
Southwest General Electric Co*.....	Nov. 1, 1926	6	69.99
E. R. Squibb & Sons.....	Feb. 19, 1927	6	2,149.24
Straus Bodenheimer Co.....	Feb. 19, 1927	6	163.83
Mengden & Sons.....	Feb. 19, 1927	6	3,318.58

**NOTES ISSUED IN SETTLEMENT OF INVOICES FOR GOODS PURCHASED IN THE
OPERATION OF THE TEXAS PRISON SYSTEM.**

To Whom Issued.	Date Due.	Interest rate, Per Cent.	Amount.
W. L. MacAttee & Sons.....	Nov. 1, 1926	6	\$ 826.91
Kuhn Paint and Varnish Co.....	Feb. 19, 1927	6	275.94
Kinsley Laboratories.....	Feb. 19, 1927	6	255.00
Johnson & Johnson.....	Feb. 19, 1927	6	2,603.96
Huntsville Co.....	Feb. 19, 1927	6	85.70
Waller Grocery Co.....	Feb. 19, 1927	6	570.80
Duncan Coffee Co.....	Feb. 19, 1927	6	3,032.54
James Bute Co.....	Feb. 19, 1927	6	862.54
B. F. Avery & Sons.....	Feb. 19, 1927	6	845.59
Wm. D. Cleveland & Sons.....	Feb. 19, 1927	6	4,906.43
Dittlinger Lime Co.....	Feb. 19, 1927	6	1,848.60
Germaile Chemical Co.....	Feb. 19, 1927	6	454.80
Armour & Co.....	Feb. 19, 1927	6	63,867.55
Pittman & Harrison†.....	Nov. 1, 1926	6	2,591.14
Sherman Seed Co.†.....	Nov. 1, 1926	6	2,795.74
Sherman Seed Co.....	Feb. 19, 1927	6	1,856.56
Gulf Production Co.....	Feb. 19, 1927	6	2,060.49
Texas Company.....	Feb. 19, 1927	6	18,367.77
International Coffee Co.....	Feb. 19, 1927	6	18,953.75
Smith Bros. Grain Co.....	Feb. 19, 1927	6	3,740.88
The Anthony Mills.....	Feb. 19, 1927	6	23,189.97
Morris & Co.....	Feb. 19, 1927	6	48,164.44
Bedford Tobacco Co.....	Feb. 19, 1927	6	6,009.46
A. P. Cary Co.*.....	Nov. 1, 1926	6	301.96
Chipman Chemical Co.....	Feb. 19, 1927	6	358.03
Empire Electrical Supply Co.....	Feb. 19, 1927	6	48.59
Hamilton Iron Works.....	Feb. 19, 1927	6	281.25
Underwood Typewriter Co.....	Feb. 19, 1927	6	180.64
Palestine Grain Co.....	Feb. 19, 1927	6	3,888.00
The Grand Leader Dry Goods Co.....	Feb. 19, 1927	6	203.35
Oliphint Motor Co.....	Feb. 19, 1927	6	2,786.00
Swift & Company.....	Feb. 19, 1927	6	16,981.15
Continental Gin Co.*.....	Nov. 1, 1926	6	99.02
Clarke & Courts*.....	Nov. 1, 1926	6	68.96
Frederick Stearne Co.....	Feb. 19, 1927	6	135.00
Jensen-Salsbury Laboratories*.....	Nov. 1, 1926	6	345.82
Jensen-Salsbury Laboratories.....	Feb. 19, 1927	6	305.34
Standard Lithograph and Printing Co.....	Feb. 19, 1927	6	389.00
The Gullett Gin Co.....	Feb. 19, 1927	6	338.86
I. O. Miller.....	Feb. 19, 1927	6	7,038.28
Galveston Coal Co.....	Feb. 19, 1927	6	937.08
Primrose Petroleum Co.....	Feb. 19, 1927	6	242.38
South Texas Cotton Mills.....	Feb. 19, 1927	6	11,788.84
United States Rubber Co.....	Feb. 19, 1927	6	143.76
John Lawrie & Sons.....	Feb. 19, 1927	6	36.75
Ohio Grease Co.....	Feb. 19, 1927	6	71.69
Imperial Mercantile Co.....	Feb. 19, 1927	6	24,898.29
Sanger Bros.....	Feb. 19, 1927	6	3,639.68
South Texas Imp. Co.*.....	Nov. 1, 1926	6	291.69
The Berger Mfg. Co.....	Feb. 19, 1927	6	1,507.69
General Chemical Co.....	Feb. 19, 1927	6	15,960.00
The R. B. George Machine Co.....	Feb. 19, 1927	6	1,285.62
Liggett & Meyers Tobacco Co.....	Feb. 19, 1927	6	6,202.08
Fort Worth Elevators Co.....	Feb. 19, 1927	6	1,266.00
Boyton Lumber Co.....	Feb. 19, 1927	6	1,965.72
Texas Hotel Supply Co.....	Feb. 19, 1927	6	201.24
Ras Redwine.....	Feb. 19, 1927	6	241.85
Swift & Company*.....	Nov. 1, 1926	6	1,215.90
Pierce Petroleum Co.....	Feb. 19, 1927	6	191.45
Seaport Bag Co.....	Feb. 19, 1927	6	500.00
Peden Iron and Steel Co.....	Feb. 19, 1927	6	31,968.09
Magnolia Petroleum Co.....	Feb. 19, 1927	6	24,985.84
Fairbanks-Morse Co.....	Feb. 19, 1927	6	1,011.15
H. G. Hastings Co.....	Feb. 19, 1927	6	103.53

*Notes extended, interest not paid.

†Notes held by bank. Interest paid to November 1st, and from November 1st to February 19, 1927, and extended to February 19, 1927, but not renewed, amount paid from November 1, 1926, to February 19, 1927. \$92.77 paid on November 27, 1926.

LIST OF ACCOUNTS DUE FEBRUARY 15, 1927, FOR GOODS PURCHASED IN THE OPERATION OF THE TEXAS PRISON SYSTEM.

To Whom Due.	Amount.
Anders, Roy.....	\$ 107.26
American Disinfection Co.....	360.00
American Laundry Machinery Co.....	39.06
Atkins, E. C. & Co.....	7.91
Angle Saxon Supply Co.....	223.04
Avery & Sons Plow Co.....	87.66
Baldwin Bros.....	3.05
Black Hardware Company.....	2,537.37
Bering Cortes Hardware Co.....	35.65
Burton, A. C. & Co.....	119.67
Baker, Chas. F. & Co.....	18.38
Briggs Weaver Machinery Co.....	123.06
Bishop & Babcock Sales Co.....	20.25
Brazos Valley Buick Co.....	95.85
Barnhardt Bros. & Spindler Co.....	94.10
Cary, A. P. & Co.....	57.30
Clarke & Courts.....	25.30
Cline, A. L., Lumber Co.....	997.85
Cargill Company.....	16.65
Carver Cotton Gin Company.....	29.60
Denning, John L. & Co.....	38.19
Enterprise Butchers Supply Co.....	18.15
Fairbanks, Morse & Co.....	52.43
Fay, J. A., & Eagan Co.....	14.64
Graham Paper Co.....	74.63
Goldberg & Kaplan.....	9.46
Gullett Gin Co.....	7.26
Grabar Electric Co.....	7.42
General Electric Co.....	49.45
Gilliland Laboratories.....	45.25
Goodyear Tire and Rubber Co.....	68.30
Globe Laboratories.....	1,092.92
Hall Lumber Co.....	84.69
Heitmann Company.....	283.12
Houston Packing Co.....	16,105.91
Hibbard, Spencer, Bartlett Co.....	48.00
Houghton & Co.....	19.75
Humble Oil and Refining Co.....	180.45
Hartwell Iron Works.....	69.50
Huntsville Gin and Wharf Co.....	386.32
Huntsville Oil Mill Co.....	10.80
Houston Armature Works.....	77.23
Hirsch Cooperage Co.....	717.50
Imperial Mercantile Co.....	103.85
Jensen-Salsbury Co.....	61.35
John Lawrie & Sons.....	45.82
Johns-Manville.....	23.40
Kuhn Paint and Varnish Works.....	58.10
Kuhn Paint Store.....	101.98
Kinsley Laboratories.....	200.00
Kelly, G. A., Plow Co.....	5.18
Lynch Davidson & Co.....	153.40
Lamkin Bros. Hardware Co.....	28.90
Liggett & Myers Tobacco Co.....	1,549.72
Magnolia Petroleum Co.....	418.22
Magno is Gas Products Co.....	175.59
Myers, F. E. & Bros. Co.....	7.31
McAltee & Sons.....	160.18
McClellan & Co.....	8.27
Northrup & Clark.....	109.24
Nance, V. S. & Co.....	3.85
Nelson N. O., Manufacturing Co.....	502.01
Nicholson, Robt., Seed Co.....	9.75
Norwich Pharmacal Co.....	5.00
Oliphint Motor Co.....	13.20
Oliver Chilled Plow Co.....	716.75
Ohio Grease Co.....	72.40
Oliphant, T. C.....	45.94
Oriental Textile Mills.....	12.13
Prest-O-Lite Co.....	12.23
Palmolive Company.....	44.00
Padgett Brothers Co.....	50.90
Progressive Products Co.....	10.86
Pfister & Vogel Leather Co.....	857.53
Pfister & Vogel Leather Co.....	300.62
Peaslee-Gaulbert Co.....	112.43
Pierce Petroleum Co.....	75.05
Peden Iron and Steel Co.....	390.62
Rock Creek Lumber Co.....	2,145.43
Rathbun Company.....	4.91

**LIST OF ACCOUNTS DUE FEBRUARY 15, 1927, FOR GOODS PURCHASED IN THE
OPERATION OF THE TEXAS PRISON SYSTEM.**

To Whom Due.	Amount.
Steves Sash and Door Co.....	\$ 155.58
Stancliff Well Screen Co.....	35.45
Smith Newman Mfg. Co.....	13.85
Sprent & Waldon Mfg. Co.....	66.66
Sherman Seed Co.....	1,016.67
Schuhmacher Company.....	3,119.23
Sugar Land Feed Co.....	460.00
Southern Implement Supply Co.....	124.76
Smithsonian Truss Co.....	213.00
Silverberg Lumber Co.....	864.83
Southwestern Paper Co.....	9.49
Shell Dental Laboratories.....	39.85
Standard Heel and Counter Co.....	306.79
Saint Louis, Brownsville & Mexico Ry. Co.....	1,116.10
Surgical Selling Co.....	6.78
Texas Belting Co.....	66.74
Texas Hotel Supply Co.....	311.25
Tel-Electric Company.....	144.54
Texas Company.....	718.31
Tobin Hamilton Leather Co.....	1,311.00
Underwood Typewriter Co.....	38.00
United Shoe Machinery Corporation.....	18.29
Vacuum Oil Company.....	83.51
Waller Grocery Company.....	178.20
	\$ 43,475.40

**NOTES ISSUED IN SETTLEMENT OF INVOICES FOR MULES AND LIGNITE
PURCHASED, PAYABLE ON OR BEFORE NOVEMBER 1, 1927.**

To Whom Issued.	Date Due.	Interest Rate Per Cent.	Amount.
Houston Leon County Coal Co.....	Nov. 1, 1927	6	\$ 1,717.32
J. S. Bowser.....	Nov. 1, 1927	6	5,210.00
Cook Brothers.....	Nov. 1, 1927	6	5,930.00
C. B. Mule Team Co.....	Nov. 1, 1927	6	3,223.50
			\$ 16,080.82

**LAND NOTES AND INTEREST COUPONS MATURED ON DECEMBER 21, 31, 1926,
AND JANUARY 1, 1927.**

	Amount.
Land notes that matured on December 21, 1926.....	\$ 428.55
Land notes that matured on December 31, 1926.....	8,000.00
Land notes that matured on January 1, 1927.....	53,000.00
Interest on land notes to date of maturity.....	14,151.95
Interest on land notes from maturity to February 19, 1927.....	493.26
	\$ 76,073.76

P. S.—There will be an additional charge of \$115.58 should we be required to pay interest on the coupons that have matured.

RECAPITULATION.

	Amount.
Land notes which matured on December 21, 31, 1926, and January 1, 1927.....	\$ 61,428.55
Interest on land notes to maturity.....	14,151.95
Interest on land notes from maturity to February 19, 1927.....	493.26
Current notes payable prior to and on February 19, 1927.....	743,902.60
Interest on current notes to February 19, 1927.....	12,429.53
Bills payable.....	43,475.40
Total amount due on or before February 19, 1927.....	\$ 875,881.29
Notes issued in settlement for mules and lignite purchased, payable Nov. 1, 1927	16,080.82
	\$ 891,962.11
Estimated amount required to operate the System to September 1, 1927, \$874,000.00 based on an average of expenditures for this period during the year of 1926. This estimate is based on the theory that there will be as many inmates during the 1927 period as there were during the same period in 1926, eliminating all extra or emergency expenses.	
Estimated amount required for the operation of the Texas Prison System to September 1, 1927.....	\$ 874,000.00
Less cash on hand.....	140,731.26
	\$ 733,268.74

BILL AND RESOLUTION SIGNED BY SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bill and resolution:

H. C. R. No. 22, Regarding the discharge of officers in the World War.

H. B. No. 52, "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; creating and organizing the One Hundred and Seventh Judicial District."

PROVIDING FOR A COMMITTEE TO MAKE A SURVEY OF STATE AUDITING SYSTEM.

Mr. Parish of Runnels offered the following resolution:

H. C. R. No. 24, Providing for committee to investigate the State auditing system.

Whereas, The need of the establishment of a modern, uniform and co-ordinated system of accounting, auditing and financial reporting of the State's finances and fiscal affairs is a matter of common knowledge; and

Whereas, The Governor, in his message to the joint session of the House and Senate on January 20, 1927, recommended the enactment of laws establishing a modern, uniform system of accounting and auditing of all State departments and State institutions; and

Whereas, It is necessary in order that this Legislature may act intelligently in enacting such laws that a full knowledge of the facts relating to the systems of accounting now used in all departments of the State government and in all State institutions be acquired; and

Whereas, This information can only be obtained by an actual survey of the systems of business practice of all the departments and institutions of the State and activities in connection therewith. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor appoint a committee, to consist of two accountants and one lawyer, all of good repute and standing in their professions, responsible citizens of Texas, whose duties shall be as follows:

To make a survey of the system of accounting and auditing used in all State departments and institutions and activities in connection therewith in this State, and all details necessary to make a complete and full report upon all matters and things needed to be done in order to establish a modern, uniform and safe system of accounting and financial reporting and auditing of all State departments and institutions, and when said committee shall have made said survey, as contemplated by this resolution, to make a complete report of its findings to the Governor and the Legislature, with its recommendations.

That said committee shall have authority to examine, during reasonable business hours, any and all books, records, accounts, systems of accounting

and devices belonging to or relating to any department, institution or activity of this State; and all State officers, heads of departments, institutions, bureaus and commissions and employes are hereby required to assist said committee when requested so to do in its labor, and furnish such information requested by said committee whenever possible.

Said committee shall have power and authority to employ and compensate a secretary and other help as deemed necessary by it in performing the duties imposed upon said committee by the terms of this resolution, and shall keep a record of its investigations and of all funds expended by it and to whom paid, and the amounts thereof.

The said committee as herein provided shall make such recommendations as to legislation as may in its judgment be necessary to establish a modern, uniform system of accounting and auditing in all State departments and institutions.

The work herein provided for is to be a work of co-ordination and improve the methods of book and record keeping, and in no case an audit of past transactions nor to entail the expense incident thereto, but is intended to develop a more efficient system for conducting the public business and to safeguard the handling of public funds at less expense to the State than at present.

The committee herein provided shall meet within ten days of its appointment at a time and place to be specified by the Governor, and shall select one of its members as chairman.

Members of said committee shall receive as compensation such sums as may be in the judgment of the Governor reasonable and customary, not to exceed ten (\$10) dollars per day, and railroad fare, hotel, telegraph, telephone and postage expenses incurred in the discharge of their duties, and shall be authorized and empowered to purchase such stationery and other supplies as may be necessary for the discharge of their duties.

All moneys authorized to be expended under this resolution shall be paid out of the appropriation for the contingent expenses of the Legislature; provided, that the maximum amount which may be so expended shall not exceed three thousand dollars.

Provided, further, that all expenditures of such committee shall be paid on sworn accounts of the persons entitled to such pay, when approved as

provided in the appropriation act for contingent expenses.

The committee herein authorized shall be a committee for the Legislature to gather information and perform duties herein provided for to the end that the Legislature shall be informed as to proper laws to be enacted on said subject.

Signed—Parish of Runnels, King of Throckmorton, Rogers of Shelby, Bateman, Young.

The resolution was read second time.

On motion of Mr. Parish of Runnels, the resolution was referred to the Committee on State Affairs.

EXTENDING THANKS TO THE BLIND INSTITUTE.

Mr. Gibson offered the following resolution:

Whereas, The Texas School for the Blind held an open house for members of the Legislature last evening; and

Whereas, Quite a number of the members of the Legislature availed themselves of the kind invitation extended by the Texas School for the Blind; and

Whereas, The program rendered by the students of this institution afforded a very pleasant evening to the members of the House who took advantage of the exceptional opportunity, gave an insight into the character of work done in the school and showed the results of diligent efforts and unusual talent of the students of the Texas School for the Blind and the painstaking care of their instructors; therefore, be it

Resolved, That the House of Representatives by this means express its deep appreciation of the courtesy and hospitality shown by this worthy institution and that the Chief Clerk be instructed to forward a copy of this resolution to the Superintendent of the Texas School for the Blind in accordance herewith.

Signed—Gibson, Van Zandt.

The resolution was read second time and was adopted.

SENATE BILL NO. 227 ON SECOND READING.

On motion of Mr. Acker (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 227, A bill to be entitled "An Act authorizing any county in Texas upon a vote of two-thirds majority of the resident taxpaying voters therein to issue bonds or warrants."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 227 ON THIRD READING.

Mr. Acker moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 227 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Acker.	Morse.
Anderson.	Moursund.
Barnett.	Murphy.
Barron.	Parish of Runnels.
Bateman.	Pavlica.
Black.	Pearce.
Boggs.	Poage.
Bonham.	Pool.
Boon.	Pope.
Branch.	Porter.
Conway.	Powell.
Cornwell.	Ramsey.
Cox.	Rawlins.
Cummings.	Reagan.
Daniel.	Renfro
DeBerry.	of Angelina.
Duvall.	Renfro of Mills.
Enderby.	Rogers of Hays.
Faulk.	Rogers of Shelby.
Finlay.	Rowell.
Fly.	Sanders.
Forbes.	Shearer.
Foster.	Shirley.
Gates.	Simmons.
Gibson.	Sinks.
Graves.	Smith of Smith.
Gray.	Smyth.
Hall.	Snelgrove.
Harding.	Stevenson.
Harman.	Storey.
Hefley.	Stout.
High.	Sutton.
Holland.	Taylor.
Hornaday.	Teer.
Jones.	Turner.
Justice.	Van Zandt.
Kayton.	Veatch.
Kemble.	Waddell.
Kincaid.	Wallace
King of	of Freestone.
Throckmorton.	Wallace of Panola.
Kirkland.	Wallace of Smith.
Land.	Ware.
Lipscomb.	Webb.
Loftin.	Wells.
Long.	Williams
Loy.	of Travis.
Masterson.	Williamson.
McCombs.	Woodall.
McGill.	Woodruff.
Minor.	Young.

Nays—5.

Albritton.
Farrar.
Walker.

Wassell.
Whitaker.

Present—Not Voting.

Jacks.

Kennedy.

Absent.

Avis.
Bass.
Beck.
Bird.
Brown.
Davis.
Denman.
Dunlap.
Durham.
Eickenroht.
Gilbert.
Holder.
Johnson.
King of Hopkins.
Kinnear.
Merritt.

Montgomery.
Nabors.
Nicholson.
Olsen.
Parrish of Travis.
Purl.
Runge.
Satterwhite.
Shaver.
Sheats.
Smith of El Paso.
Smith of Nueces.
Swain.
Williams
of Sabine.

Absent—Excused.

Alexander.
Dielmann.
Fuchs.
Hagaman.
Kenyon.
Kirby.

McKean.
Petsch.
Smith of Atascosa.
Stell.
Tillotson.

The Speaker then laid Senate bill No. 227 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—109.

Acker.
Anderson.
Avis.
Barron.
Bass.
Beck.
Bird.
Boggs.
Bonham.
Boon.
Branch.
Conway.
Cornwell.
Cox.
Cummings.
Daniel.
Davis.
DeBerry.
Dunlap.
Durham.
Duvall.
Enderby.
Eickenroht.

Faulk.
Fly.
Forbes.
Foster.
Gates.
Gilbert.
Graves.
Hall.
Harding.
Hefley.
Holland.
Hornaday.
Jacks.
Johnson.
Jones.
Justice.
Kayton.
Kemble.
Kincaid.
King of Hopkins.
King of
Throckmorton.
Kinnear.

Kirkland.	Shearer.
Land.	Sheats.
Loftin.	Shirley.
Long.	Simmons.
Loy.	Sinks.
Masterson.	Smith of El Paso.
McCombs.	Smith of Nueces.
McGill.	Smith of Smith.
Merritt.	Smyth.
Minor.	Snelgrove.
Montgomery.	Stevenson.
Morse.	Stout.
Moursund.	Sutton.
Murphy.	Teer.
Olsen.	Turner.
Parish of Runnels.	Van Zandt.
Pavlica.	Veatch.
Poage.	Waddell.
Pool.	Wallace
Pope.	of Freestone.
Porter.	Wallace of Panola.
Powell.	Wallace of Smith.
Purl.	Ware.
Ramsey.	Wassell.
Rawlins.	Wells.
Reagan.	Whitaker.
Renfro	Williams
of Angelina.	of Sabine
Renfro of Mills.	Williams
Rogers of Hays.	of Travis.
Rogers of Shelby.	Woodall.
Rowell.	Woodruff.
Sanders.	Young.
Satterwhite.	

Nays—8.

Albritton.	High.
Black.	Pearce.
Farrar.	Taylor.
Gray.	Walker.

Present—Not Voting.

Kennedy.

Absent.

Barnett.	Nabors.
Bateman.	Nicholson.
Brown.	Parrish of Travis.
Denman.	Runge.
Finlay.	Shaver.
Gibson.	Storey.
Harman.	Swain.
Holder.	Webb.
Lipscomb.	Williamson.

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

PROVIDING FOR PORTRAIT OF EX- GOVERNOR MIRIAM A. FERGUSON.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 10, Providing for portrait of Governor Miriam Ferguson.

Resolved by the Senate, the House of Representatives concurring, That the sum of five hundred (\$500.00) dollars be paid out of the contingent expense fund of the Fortieth Legislature to pay for a suitable portrait of Governor Miriam A. Ferguson, said portrait to be placed in the rotunda of the Capitol with the portraits of the other Governors of Texas. The portrait may be made by any artist agreeable to Governor Miriam A. Ferguson, and before said portrait is accepted and placed by the Board of Control, such portrait offered shall be approved by Governor Ferguson.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR.

Mr. Carl L. Phinney, assistant secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, February 16, 1927.

To the Fortieth Legislature of the State of Texas.

Gentlemen: During the present session of the Legislature a number of bills have been passed creating additional courts. I have approved all bills establishing district courts and county courts. It was apparent that each was necessary because of the litigation in the several districts and counties affected. There is now before me a bill which has been passed by both houses creating another Court of Civil Appeals.

When the number of cases pending in the several Courts of Civil Appeals are considered in connection with the number of opinions written by these courts, it appears that there are a sufficient number of Courts of Civil Appeals to dispose of all pending cases. However, I recognize that certain other conditions are to be considered in passing upon this bill for approval or veto.

First, the tremendous development in

the western portion of the State has increased litigation in that section to such an extent that the present division of territory among the several supreme judicial districts of the State brings more cases to some of the existing Courts of Civil Appeals than can be disposed of by the members of those courts.

Second, there are certain thickly populated sections of the State in which the litigation is so heavy that adequate facilities do not exist for the speedy termination of appealed cases. More cases are filed in the Courts of Civil Appeals at Dallas, Fort Worth and Galveston than can be promptly determined by the Courts of Civil Appeals of those districts. The average number of cases filed in each of these courts over the past two years is as follows:

Galveston, 145; Fort Worth, 250; and Dallas, 243.

This condition makes it necessary for cases to be transferred from one court to another with the result that frequently cases are sent from one Court of Civil Appeals to another so far from the county in which the case originated that the expense prohibits the litigant from sending counsel to argue the case.

Texas is a rapidly developing State. We hope that its growth and development will continue; and as it continues and the population of the State increases, litigation will multiply, and in time a necessity for additional courts will follow.

Some people think that such a condition now exists, and strong arguments have been advanced for the approval of the bill before me. There is justice in the complaint of lawyers and litigants that the transfer of cases from the Court of Civil Appeals for the Second District to some distant Court of Civil Appeals in order to get the case reached works an injustice upon both the lawyer and litigant, which frequently amounts probably to a denial of justice. It is equally true that there is merit in the claim that delays in litigation incident to crowded and congested dockets works a hardship on litigants, which frequently amounts to a denial of relief by the courts.

Relief from these conditions should be secured and I believe can be accomplished without creating additional courts for the present.

I suggest four things, which I believe will afford the relief desired.

First. The terms of the Courts of Civil Appeals should be changed so that the terms shall last throughout the

year, and allow the judges of the courts a vacation of eight weeks during each year, at a time to be determined upon by the members of the courts. At the present time there are three months during the year when our appellate courts are closed to the citizenship and frequently rights involved in injunction matters and cases of that nature are seriously affected because the matter can not be presented to the appellate court. There may not be any need to have the courts open throughout the year, but if the need exists, it is an urgent one and the measure which I suggest would make it possible to reach the courts, when now they can not be reached.

Second. Provide that when equalizing the dockets, if it appear necessary to transfer cases from one court to another court, that the court to which the cases are transferred shall hear arguments in such cases at the court from which they are transferred.

I realize that a provision of the Constitution may be urged as an objection to this measure, but I take it that the bill can be so worded that no valid constitutional objection can be offered, and that the courts will sit for the decision of the cases within their several judicial districts, but hear the argument at the situs of the court from which the cases are transferred.

It is more equitable to require three judges to travel two hundred miles to hear ten cases argued than it is to require thirty lawyers to travel that distance to argue these cases upon transfer. It would be more economical to the people of the State who have business in the courts. In the Federal system the circuit court will go to a certain place to hear argument, but most usually their decisions are announced and handed down at one particular place.

Third. Redistrict the State to reduce the number of counties in the districts now having an excess of business and increase the number of counties in the districts in which the courts are not so crowded.

Fourth. Create a number of administrative judicial districts in this State with power in some judge as presiding judge to assign judges from one district to another for the relief of congested dockets. This measure should apply only to district courts.

I have prepared and attached to this message bills which I believe will cover the above suggestions.

There is a fifth measure which I sug-

gest. The Constitution provides that the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction, under such restrictions and regulations as may be imposed by law. This provision of the Constitution could no doubt be urged effectively against any attempt to make certain cases appealable direct from the district court to the Supreme Court, and I do not believe that the statute providing for such a procedure would be valid under our Constitution. However, I believe that it would be competent for the Legislature to pass a measure requiring the Courts of Civil Appeals to certify direct to the Supreme Court those cases and questions which under the existing law it is apparent will be taken to the Supreme Court. Such a measure should provide that when the Supreme Court had certified its answer to the Court of Civil Appeals, that the Court of Civil Appeals should then enter judgment or make its decision in accordance with such answer of the Supreme Court. This would be in effect the same procedure as exists in the Federal system, where certain questions are appealable direct from the district court to the Supreme Court. It might be argued that it is possible to accomplish what is suggested under existing laws; that may be true, but if it is true, the practice has not been followed as much as it would be if the law so directed. A case in which a district court has held an act of the Legislature void can be taken to the Supreme Court. Why should not the question of the validity of the act be certified at once and the decision of the Supreme Court obtained without the necessity of a motion or argument or decision in a Court of Civil Appeals?

If the power to make rules of practice and procedure is ever vested in the Supreme Court and a judicial counsel so that these rules can be simplified, and the rules with reference to record on appeal changed so that a simplified record can be trusted to take the case before the appellate court, the amount of work which the appellate courts have to do will be so reduced that the existing courts will be sufficient to dispose of the appeals in this State. The power to make rules in equity cases in the Federal system has been trusted to the Supreme Court of the United States, and it seems to me that we would do well to trust our practice and procedure to the courts. Authority exists in the

Constitution for such an action. They could be simplified considerably. Attached to this message is a bill, which, under Section 25 of Article 5 of the Constitution, will, if enacted, place the power to make rules of practice and procedure in the Supreme Court and a judicial counsel.

The district affected by the bill you have passed is entitled to relief. The Court of Civil Appeals for the Second District cannot possibly dispose of all of its cases. It is humanly impossible for three men to do the work. The complaint against the system of transfers is meritorious. If I veto the bill before me the district may not get the relief to which it is entitled. I had determined in my mind to veto this measure, but I have concluded to take that action which will insure relief against all contingencies, and I am endeavoring to offer to you a program which will afford the relief desired and at the same time save the expense of another court. I hope that you can agree with me and pass these bills. If you can, the relief will be given and the act creating a new Court of Civil Appeals will be repealed. If you will pass the redistricting bill suggested, the number of cases going to each Court of Civil Appeals will be within what can be disposed of by the existing Court of Civil Appeals. It would then be unnecessary to create a Twelfth Court of Civil Appeals. The redistricting bill would have the effect to repeal the bill passed creating the Twelfth Court of Civil Appeals. If I should veto this bill, the result might be to leave conditions exactly as they are. I am undertaking to guarantee against that situation by approving a bill except for appropriations, and then offering to you as a substitute that which will make the court unnecessary but give all the relief that anyone living in the territory could claim himself entitled to receive.

Very respectfully,
DAN MOODY,
Governor of Texas.

A BILL

To Be Entitled

An Act to amend Article 816, Chapter 1, Title 39, Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 816, Chapter 1, Title 39, Revised Civil Statutes of 1925, be amended so that same shall hereafter read as follows, to wit:

Article 816. Terms of Court.—The term of each Court of Civil Appeals of the State of Texas shall begin on the first Monday in October of each year and shall continue in session until the first Monday in October of the next succeeding year; provided, that the presiding judge and associate justices of said Courts of Civil Appeals shall each be permitted to take a vacation of eight weeks during each year, which shall be at a time to be determined upon by the presiding judge and associate justices of each of the several Courts of Civil Appeals.

A BILL

To Be Entitled

An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925, be amended so as to hereafter read as follows, to-wit:

Article 1738. Transfer of Cases.—The Supreme Court shall on the fifteenth day of June and the fifteenth day of December of each year equalize, as nearly as practicable, the amount of business upon the dockets of the several Courts of Civil Appeals by directing the transfer of cases from such of said courts as may have the greater amount of business upon their dockets to those having a less amount of business. And the Courts of Civil Appeals to which such cases shall be transferred shall have jurisdiction over all such cases so transferred, without regard to the district in which the cases were originally tried and returnable upon appeal. Cases transferred from any Court of Civil Appeals shall be taken from the cases appealed from the counties nearest the place where the court to which the cases are transferred is held. Provided, that when an order is made by the Supreme Court in equalizing the dockets of the several Courts of Civil Appeals directing the transfer of cases from one Court of Civil Appeals to another Court of Civil Appeals, the chief justice and associate justices of the Court of Civil Appeals to which cases are transferred shall notify the clerk of the Court of Civil Appeals from which the cases have been transferred of the time when said Court of Civil Appeals, to which said cases have been transferred, will come to the court from

which the cases are transferred for the purpose of receiving such cases and hearing arguments in the several cases so transferred. Upon receiving such notice from the court to which cases are transferred, the Court of Civil Appeals from which such cases have been ordered transferred shall set the cases so transferred for argument, and cause the clerk to notify the attorneys for the several parties at interest in each of said cases as to the time said cases have been set for argument. The Court of Civil Appeals to which the cases are ordered transferred shall be given notice of the setting of said cases, and it shall be its duty to appear at the court from which the cases are transferred and there receive the records in such cases and give the interested parties an opportunity to present oral argument. But the opinions and decisions in such cases so transferred shall be delivered by such court to which the same have been transferred at the place where such court regularly sits, as is provided by law. The actual and necessary expenses of the judges of the Courts of Civil Appeals in going to receive such cases and hear arguments in the cases transferred shall be borne by the State, and the Legislature shall make appropriation for payment of such expenses.

A BILL

To Be Entitled

An Act to amend Article 198, Title 8, Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

That Article 198, Title 8, Revised Civil Statutes of 1925, be amended so that it shall hereafter read as follows, to-wit:

Article 198. This State shall be divided into eleven supreme judicial districts composed of the following named counties for the purpose of constituting and organizing a Court of Civil Appeals in each of the several Supreme Judicial Districts as follows, to-wit:

First. Trinity, Walker, Madison, Grimes, Burleson, Washington Waller, Harris, Chambers, Austin, Colorado, Lavaca, DeWitt, Jackson, Matagorda, Wharton, Brazoria, Fort Bend, Galveston, Calhoun, Nueces, Refugio, Aransas, San Patricio.

Second. Wichita, Clay, Montague, Wise, Tarrant, Cooke, Denton.

Third. Freestone, Anderson, Leon, Robertson, Milam, Lee, Bastrop, Caldwell, Hays, Travis, Williamson, Bell,

Burnet, Blanco, Llano, San Saba, Lampasas, Mills, McCulloch, Brown, Falls, Coleman, Runnels, Tom Green, Concho, Gonzales, Guadalupe, Comal, Gillespie, Mason, Houston, Fayette and Brazos.

Fourth. Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Uvalde, Zavalla, Dimmit, Webb, La Salle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Wilson, Live Oak, Zapata, Bee, Karnes, Victoria, Goliad, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, Kleberg, Kenedy, Willacy.

Fifth. Grayson, Collin, Dallas, Rockwall.

Sixth. Fannin, Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Rains, Wood, Upshur, Marion, Harrison, Gregg, Smith, Cherokee, Rusk, Panola, Camp, Hunt, Van Zandt.

Seventh. Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent, King.

Eighth. Dawson, Borden, Howard, Sterling, Coke, Irion, Schleicher, Crockett, Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson, Hudspeth.

Ninth. Shelby, Nacogdoches, Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine, San Augustine.

Tenth. McLennan, Coryell, Hamilton, Bosque, Hill, Navarro, Henderson, Ellis, Johnson, Somervell, Hood, Kaufman, Limestone.

Eleventh. Mitchell, Scurry, Nolan, Fisher, Stonewall, Taylor, Jones, Haskell, Knox, Callahan, Shackelford, Throckmorton, Baylor, Comanche, Eastland, Stephens, Young, Erath, Palo Pinto, Jack, Parker, Archer.

A BILL

To Be Entitled

An Act organizing and dividing the State of Texas into nine administrative judicial districts, naming the counties composing each administrative district, providing for the appointment of a presiding judge in each

administrative district; prescribing the powers and duties of each presiding judge; providing for the payment of expenses incurred in the administration of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas is hereby divided into nine administrative judicial districts, which districts shall be numbered and composed of counties as follows:

First. Bowie, Red River, Lamar, Fannin, Grayson, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Camp, Cass, Marion, Harrison, Gregg, Upshur, Wood, Rains, Kaufman, Van Zandt, Dallas, Ellis, Henderson, Anderson, Houston, Cherokee, Nacogdoches, Angelina, Panola, Shelby, Smith, Rusk.

Second. San Augustine, Sabine, Jasper, Newton, Orange, Jefferson, Tyler, Hardin, Liberty, Chambers, Galveston, Harris, Brazoria, Matagorda, Wharton, Fort Bend, Waller, Montgomery, San Jacinto, Polk, Walker, Trinity, Grimes, Madison, Leon, Brazos, Freestone, Limestone, Burleson, Washington, Bastrop, Robertson, Lee.

Third. Johnson, Somervell, Bosque, Hill, Navarro, McLennan, Falls, Milam, Williamson, Travis, Austin, Fayette, Caldwell, Comal, Hays, Colorado, Lavaca, Gonzales, Guadalupe, Blanco, Burnet, San Saba, Llano, Gillespie, Mason, Kimble, Menard, Bell, Lampasas, Mills, Coryell, Hamilton, Comanche.

Fourth. Jackson, Calhoun, Aransas, Refugio, San Patricio, Bee, Live Oak, McMullen, Goliad, Victoria, DeWitt, Karnes, Wilson, Atascosa, Frio, LaSalle, Dimmit, Webb, Zapata, Jim Hogg, Bexar.

Fifth. Nueces, Kleberg, Kenedy, Jim Wells, Duval, Brooks, Starr, Hidalgo, Willacy, Cameron.

Sixth. Maverick, Kinney, Edwards, Val Verde, Terrell, Kerr, Kendall, Bandera, Real, Medina, Uvalde, Zavala, Sutton, Crockett, Pecos, Brewster, Jeff Davis, Presidio, Culberson, Hudspeth, El Paso, Upton, Reagan.

Seventh. Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Andrews, Martin, Loving, Winkler, Ector, Midland, Glasscock, Reeves, Ward, Crane, Sterling, Coke, Irion, Tom Green, Schleicher, Borden, Scurry, Howard, Mitchell, Nolan, Taylor, Callahan, Shackelford, Throckmorton, Haskell, Jones, Fisher, Stonewall, Kent, Runnels, Coleman, Brown, McCulloch, Concho.

Eighth. Cooke, Denton, Montague, Clay, Wichita, Archer, Jack, Wise, Young, Stephens, Eastland, Erath, Hood, Palo Pinto, Parker, Tarrant.

Ninth. Wilbarger, Baylor, Knox, King, Dickens, Motley, Cottle, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Castro, Swisher, Briscoe, Parmer, Deaf Smith, Oldham, Hartley, Dallam, Sherman, Moore, Potter, Randall, Armstrong, Hansford, Ochiltree, Lipscomb, Hutchinson, Roberts, Hemphill, Carson, Gray, Wheeler, Donley, Collingsworth, Hall, Childress, Hardeman, Foard.

Sec. 2. Immediately after this act becomes effective it shall be the duty of the Governor, with the advice and consent of the Senate, to designate one of the regularly elected and commissioned district judges of each of said districts as presiding judge of the administrative judicial district. Upon the death, resignation, or the expiration of the term of office of such presiding judge, the Governor shall thereafter immediately designate a new presiding judge of the administrative district, as in the first instance.

Sec. 3. The clerk of the district court of the district from which the judge has been designated as the presiding judge of the administrative district, in addition to his regular duties as clerk of the district court, shall perform the duties of clerk of the administrative district.

Sec. 4. It shall be the duty of the presiding judge of such administrative district once each year to call a regular conference, and at such times as may be necessary, a special conference, of the several district judges of the several judicial districts composing the administrative district, at a time and place to be designated by the presiding judge, for consultation and counsel as to the state of business, civil and criminal, in the several district courts of the administrative district, and to arrange for the disposition of the business pending on the dockets of the several district courts of the district. At the time of such consultation, or at any time thereafter, with or without an additional meeting of the judges, it shall be the duty of the presiding judge, from time to time, to assign any of the judges of the administrative district to hold special or regular terms of court in any county of the administrative district in order to try and dispose of accumulated business, under such rules as may be prescribed by the session, or sessions, of

the district judges of the administrative district. Such meeting or council of judges shall have the power to prescribe rules regulating and facilitating the order of trials, the keeping of records in the various counties of the district where judges are sent from one district into another to facilitate the disposition of cases, and to make such other rules and regulations as may be necessary to carry this act into practical operation. When it is deemed necessary, the presiding judge of the administrative district may call special or additional meetings of the conference of judges during the year. The district judges shall lay before each conference of judges a list of all cases pending, and the exact status of their dockets, together with such other information as may be required by the rules and regulations of the conference.

Sec. 5. Judges may be assigned in the manner herein provided for the holding of district court when the regular judge thereof is absent or is from any cause disabled or disqualified from presiding, and in instances where the regular district judge is present or himself trying cases where authorized or permitted by the Constitution and laws of the State.

Sec. 6. It shall be the duty of any district judge of any district within the administrative district to extend the regular terms of his court, and to call special terms, when necessary to carry out the purposes of this act and dispose of pending litigation. The presiding judge of one administrative district may call upon the presiding judge of another administrative district to furnish judges to aid in the disposition of litigation pending in any judicial district within the administrative district in which such judge so making the request has been designated as the presiding judge. For the trial of cases and the entry of orders and the disposition of other business necessary, the judge of any district in this State, or any district judge sent to any district in this State by the presiding judge of an administrative district, shall have power, by entering an order on the minutes, to convene a special term of the court for the disposition of the business coming before the district court.

Sec. 7. The district clerk performing the duties of clerk for the administrative district shall conduct the correspondence for the presiding judge of the administrative district, keep a record of all its proceedings, and a complete and accurate record of all cases pending

in the several courts of the administrative district, the time of their filing, the style and purposes of the causes, and their final disposition, and such other matters as may be prescribed by the council of judges herein referred to. For such purposes he is authorized, with the approval of the presiding judge, to purchase the necessary office equipment, stamps, stationery and supplies, and to employ one additional deputy clerk, under the direction of the council of judges or such rules as they may promulgate. Such cost shall be divided pro rata among the counties and paid by the counties on the certificate of the presiding judge. He shall, under the direction of the presiding judge of the administrative district, make an annual report, and such special reports as may be directed by the presiding judge of the district, to the Attorney General. Such reports shall be there filed and open to public inspection, and shall be condensed and tabulated in the biennial reports of the Attorney General.

Sec. 8. The presiding judge of the administrative district, in addition to all other compensation allowed him by law, shall receive the sum of \$1,200.00 per year, payable in equal monthly installments; and the clerk who performs the duties of clerk of the administrative district shall, in addition to all other fees and compensation allowed him by law, receive the sum of \$600.00 per year, payable in equal monthly installments. Such sums shall be paid pro rata by the counties of the administrative district on the certificate of the presiding judge.

Sec. 9. The several district judges of the district when required to attend the annual or special sessions of the judges herein prescribed, shall, in addition to all other compensation allowed them by law, receive their actual traveling expenses going to and returning from the place of meeting, and their actual expenses while in attendance on the meeting.

Sec. 10. All of the aforesaid salaries, compensation and expenses, and all other expenses authorized and incurred herein for the purpose of administering this law, shall be paid in equal proportions by the several counties composing the administrative district, out of the general funds of said counties. Said salaries, compensation, expenses, and expenditures herein authorized are to be paid on certificates of approval of the presiding judge of the administrative district.

Sec. 11. When the district judges are assigned under the provisions of this act to districts other than their own district, and out of their own counties, they shall, in addition to all other compensation permitted or authorized by law, receive their actual expenses in going to and returning from their several assignments, and their actual living expenses while in the performance of their duties under assignments, which expenses shall be paid out of the general fund of the county in which their duties under assignments are performed, upon accounts certified and approved by the presiding judge of the administrative district.

If any part of the foregoing act shall be held to contravene the Constitution of this State, then the entire act shall not fall by reason thereof, but the remaining portion of said act shall remain valid and enforceable.

Sec. 12. The fact that there are now so many cases pending on the dockets of the several district courts of this State which cannot be reached because of the press of business, and the fact that there are other district judges whose time is not all taken, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and the said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is enacted.

A BILL

To Be Entitled

An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said court and the other courts of this State so as to expedite the dispatch of business therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules, and to repeal such statutes of practice and procedure as may be in force when such rules go into effect.

Be it enacted by the Legislature of the State of Texas:

Section 1. On and after the 31st day of December, A. D. 1927, the following articles of the Revised Civil Statutes of the State of Texas shall be, and are hereby abrogated and repealed: Articles 1971 to 2328, both included; Articles 1837 to 1883, both included; and Articles 1729 to 1780, both included.

Sec. 2. On and after the 31st day of December, A. D. 1927, all civil procedure shall be in accordance with the rules of procedure for civil cases promulgated by the Supreme Court of this State in accordance with the terms of this act and such amendments thereof as may thereafter be made.

Sec. 3. It shall be the duty of the Supreme Court of this State, with the aid of the council hereinafter created, between the dates when this act becomes effective and December 31, 1927, to prescribe all rules of procedure in civil cases for the government of all courts of this State having jurisdiction of civil cases, except forfeitures of recognizances and bail bonds in criminal cases.

Sec. 4. To aid the Supreme Court in accomplishing the purpose of this act, the court is directed to appoint a council of lawyers and judges composed of one representative from the several Courts of Civil Appeals of Texas, two representatives from the several district courts of Texas, and eight practicing lawyers who for the past ten years have been actively engaged in the practice of law, to study the subject of procedure in civil cases in this State and act with the Supreme Court in adopting the rules of procedure in civil cases. The rules shall be adopted upon a majority vote of the Supreme Court and the council herein provided for.

Sec. 5. The members of the judicial council so appointed by the Supreme Court shall receive their actual expenses in going to and from the city of Austin in the performance of the duties hereunder and their actual expenses while in the city of Austin, but no other compensation.

Sec. 6. The rules of procedure to be so prescribed shall be directory, except where otherwise provided in the rules.

Sec. 7. It shall be the duty of the Secretary of State to cause the rules so adopted to be published as the session acts of the Legislature are now published, and they shall be distributed as such session acts are now distributed to public officers entitled thereto, and they shall be sold to the public at the price now fixed for the sale of the session acts of the Legislature.

HOUSE JOINT RESOLUTION NO. 4 ON SECOND READING.

The Speaker laid before the House, for consideration at this time,

H. J. R. No. 4, Proposing an amendment to Article XVI of the Constitution of the State of Texas, by the addition

of a new section to said Article XVI, to be numbered Section 65, providing legislative authority for the enactment of laws to encourage the conservation of the timber resources of the State, and for the reforestation of deforested lands; for the administration of such laws; for the time and manner of voting upon such proposed constitutional amendment; defining certain duties of the Governor in connection therewith; and making an appropriation to defray expenses of proclamation, publication and election.

The resolution was read second time.

On motion of Mr. Barron, further consideration of the resolution was postponed until 2 o'clock p. m. today.

SENATE BILL NO. 16 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 16, A bill to be entitled "An Act to make it unlawful for any person, firm or private corporation within this State to divert the natural flow of the surface waters in this State or to permit such a diversion to continue after the passage of this act, or to impound any waters or to permit the impounding thereof to continue after the passage of this act in such a manner as to damage the property of another; and to provide that in all such cases the injured party shall have remedies, both at law and in equity, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—97.

Acker.	Eickenroht.
Albritton.	Farrar.
Anderson.	Faulk.
Avis.	Finlay.
Barnett.	Fly.
Barron.	Forbes.
Bass.	Gates.
Bateman.	Gibson.
Beck.	Gilbert.
Bird.	Graves.
Black.	Hall.
Boggs.	Harding.
Bonham.	Harman.
Branch.	Hefley.
Conway.	High.
Cornwell.	Jacks.
Cox.	Johnson.
Daniel.	Jones.
Dunlap.	Justice.
Durham.	Kemble.
Duvall.	Kennedy.
Enderby.	Kincaid.

King of Hopkins.	Rowell.
King of Throckmorton.	Sanders.
Kinnear.	Satterwhite.
Kirkland.	Shearer.
Land.	Sheats.
Loftin.	Simmons.
Long.	Smith of El Paso.
Loy.	Smith of Smith.
Masterson.	Snelgrove.
McGill.	Stevenson.
Merritt.	Storey.
Morse.	Swain.
Moursund.	Taylor.
Murphy.	Teer.
Olsen.	Turner.
Parish of Runnels.	Van Zandt.
Pavlica.	Veatch.
Pearce.	Waddell.
Pope.	Ware.
Powell.	Webb.
Purl.	Wells.
Ramsey.	Whitaker.
Renfro	Williams
of Angelina.	of Sabine.
Renfro of Mills.	Williams
Rogers of Hays.	of Travis.
Rogers of Shelby.	Woodruff.
	Young.

Nays—9.

Brown.	Walker.
Nabors.	Wallace
Pool.	of Freestone.
Smyth.	Wallace of Panola.
Stout.	Wassell.

Present—Not Voting.

Foster.	Woodall.
Wallace of Smith.	

Absent.

Boon.	Nicholson.
Cummings.	Parrish of Travis.
Davis.	Poage.
DeBerry.	Porter.
Denman.	Rawlins.
Gray.	Reagan.
Holder.	Runge.
Holland.	Shaver.
Hornaday.	Shirley.
Kayton.	Sinks.
Lipscomb.	Smith of Nueces.
McCombs.	Sutton.
Minor.	Williamson.
Montgomery.	

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

SENATE BILL NO. 60 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 60, A bill to be entitled "An Act amending Section 4, of Chapter 29, of the General Laws of the Second Called Session of the Thirty-eighth Legislature, and adding thereto Section 4a; and amending Section 7 of said Chapter 29, so as to exempt from the inheritance tax provided for in said chapter bequests, devises, gifts, grants, conveyances and transfers of any kind or character whatsoever passing to or for the use of religious, educational or charitable organizations located within this State or to a city, town or county within this State or to the State of Texas, to be used within this State, and relieving and releasing any and all beneficiaries of the kind and character above mentioned from payment of any inheritance taxes which may have heretofore accrued; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—87.

Acker.	King of Hopkins.
Albritton.	Kinnear.
Anderson.	Kirby.
Barron.	Kirkland.
Bass.	Land.
Beck.	Loftin.
Bird.	Long.
Black.	Loy.
Boggs.	Masterson.
Conway.	McCombs.
Cornwell.	Minor.
Cox.	Montgomery.
Daniel.	Morse.
Duvall.	Moursund.
Enderby.	Murphy.
Eickenroht.	Pearce.
Finlay.	Pope.
Fly.	Porter.
Forbes.	Powell.
Foster.	Purl.
Gates.	Ramsey.
Gilbert.	Reagan.
Graves.	Renfro
Hall.	of Angelina.
Harman.	Renfro of Mills.
Hefley.	Rogers of Hays.
High.	Sanders.
Hornaday.	Satterwhite.
Jacks.	Shearer.
Johnson.	Sheats.
Jones.	Shirley.
Kayton.	Simmons.
Kemble.	Sinks.
Kennedy.	Smith of El Paso.

Smith of Smith.	Wallace of Panola.
Smyth.	Wallace of Smith.
Snelgrove.	Ware.
Stell.	Webb.
Stevenson.	Wells.
Storey.	Williams
Taylor.	of Sabine.
Teer.	Williams
Turner.	of Travis.
Van Zandt.	Williamson.
Veatch.	Woodall.
Waddell.	Woodruff.
Wallace	Young.
of Freestone.	

Nays—22.

Avis.	King of
Barnett.	Throckmorton.
Bateman.	Merritt.
Brown.	Nabors.
DeBerry.	Olsen.
Durham.	Parish of Runnels.
Farrar.	Pavlica.
Faulk.	Rogers of Shelby.
Gray.	Stout.
Justice.	Swain.
Kincaid.	Walker.
	Whitaker.

Absent.

Bonham.	McGill.
Boon.	Nicholson.
Branch.	Parrish of Travis.
Cummings.	Poage.
Davis.	Pool.
Denman.	Rawlins.
Dunlap.	Rowell.
Gibson.	Runge.
Harding.	Shaver.
Holder.	Smith of Nueces.
Holland.	Sutton.
Lipscomb.	Wassell.

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Tillotson.
Kenyon.	

SENATE BILL NO. 58 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 58, A bill to be entitled "An Act to amend Article 3116 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses, and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense, so as to limit the amount required to be paid by candidates for chief justice or

associate justice of a Court of Civil Appeals, or for representative in Congress, for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 195 ON SECOND READING.

On motion of Mr. Bonham, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 195, A bill to be entitled "An Act to authorize a fifty-year lease to be issued to the town of Aransas Pass in Aransas and San Patricio counties, Ransom Island and its sand flats extension to the northeast and its sand flat extensions to the southwest in Red Fish Bay situated in Nueces county, and that shallow portion of said bay between said island and its extension and the mainland, etc., and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

RECESS.

On motion of Mr. Wallace of Freestone, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

SENATE BILL NO. 195 ON PASSAGE TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 195 on its passage to third reading.

Mr. Jacks offered the following amendment to the bill:

Amend Senate bill No. 195 by striking out the words "or cause to be maintained," and substitute therefor "which must be constructed and maintained by the city of Aransas Pass."

On motion of Mr. Bonham, the bill was ordered printed in the Journal and further consideration of the bill was postponed until it is returned.

SENATE BILL NO. 78 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 78, A bill to be entitled "An Act fixing in counties having a population of one hundred and fifty thousand inhabitants, the compensation of district attorneys, and providing for the appointment of assistant district attorneys, investigators, stenographers, grand jury bailiffs, deputies and other employes, and providing for their salaries and the manner of their payment, and providing for the duties and authority of investigators, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws in conflict herewith with exceptions, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 78 ON THIRD READING.

Mr. Williamson moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

Mr. Speaker.	Jacks.
Acker.	Johnson.
Alexander.	Jones.
Anderson.	Justice.
Avis.	Kayton.
Barron.	Kemble.
Bass.	King of Hopkins.
Bateman.	Kinnear.
Beck.	Kirkland.
Bird.	Land.
Black.	Lipscomb.
Boggs.	Loftin.
Boon.	Long.
Branch.	Loy.
Brown.	Masterson.
Conway.	McCombs.
Cornwell.	McGill.
Cummings.	Merritt.
Daniel.	Minor.
DeBerry.	Montgomery.
Durham.	Morse.
Enderby.	Moursund.
Farrar.	Murphy.
Faulk.	Nabors.
Finlay.	Nicholson.
Fly.	Parish of Runnels.
Forbes.	Pavlica.
Foster.	Pearce.
Gibson.	Poage.
Gilbert.	Pool.
Harding.	Pope.
High.	Powell.
Holder.	Purl.
Holland.	Ramsey.
Hornaday.	Rawlins.

Renfro	Taylor.
of Angelina.	Teer.
Renfro of Mills.	Turner.
Rogers of Hays.	Veatch.
Rogers of Shelby.	Waddell.
Rowell.	Wallace
Runge.	of Freestone.
Satterwhite.	Wallace of Panola.
Shaver.	Ware.
Shearer.	Wassell.
Shirley.	Wells.
Simmons.	Williams
Sinks.	of Sabine.
Smith of El Paso.	Williams
Smith of Nueces.	of Travis.
Smyth.	Woodall.
Stevenson.	Woodruff.
Storey.	Young.

Nays—8.

Albritton.	King of
Barnett.	Throckmorton.
Eickenroht.	Sanders.
Hall.	Walker.
Kennedy.	

Present—Not Voting.

Kincaid.

Absent.

Bonham.	Porter.
Cox.	Reagan.
Davis.	Sheats.
Denman.	Smith of Smith.
Dunlap.	Snelgrove.
Duvall.	Stout.
Gates.	Sutton.
Graves.	Swain.
Gray.	Van Zandt.
Harman.	Wallace of Smith.
Hefley.	Webb.
Olsen.	Whitaker.
Parrish of Travis.	Williamson.

Absent—Excused.

Dielmann.	McKean.
Fuchs.	Petsch.
Hagaman.	Smith of Atascosa.
Kenyon.	Stell.
Kirby.	Tillotson.

The Speaker then laid Senate bill No. 78 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106.

Mr. Speaker.	Beck.
Acker.	Bird.
Albritton.	Black.
Alexander.	Boggs.
Anderson.	Boon.
Avis.	Branch.
Bass.	Brown.
Bateman.	Conway.

Cornwell.	Poage.
Cummings.	Pope.
Daniel.	Porter.
DeBerry.	Powell.
Durham.	Purl.
Duvall.	Ramsey.
Enderby.	Rawlins.
Eickenroht.	Renfro
Farrar.	of Angelina.
Faulk.	Renfro of Mills.
Finlay.	Rogers of Hays.
Fly.	Rogers of Shelby.
Forbes.	Rowell.
Foster.	Runge.
Gibson.	Sanders.
Gilbert.	Satterwhite.
Harding.	Shaver.
High.	Shearer.
Holder.	Sheats.
Holland.	Shirley.
Hornaday.	Simmons.
Jacks.	Sinks.
Jones.	Smith of El Paso.
Justice.	Smith of Nueces.
Kayton.	Smyth.
Kemble.	Stevenson.
King of Hopkins.	Storey.
Kinnear.	Taylor.
Kirby.	Turner.
Kirkland.	Van Zandt.
Lipscomb.	Waddell.
Long.	Wallace
Loy.	of Freestone.
Masterson.	Wallace of Panola.
McCombs.	Ware.
McGill.	Wassell.
Merritt.	Webb.
Minor.	Wells.
Montgomery.	Williams
Morse.	of Sabine
Moursund.	Williams
Murphy.	of Travis.
Nabors.	Williamson.
Nicholson.	Woodall.
Parish of Runnels.	Woodruff.
Pavlica.	Young.
Pearce.	

Nays—5.

Barnett.	King of
Hall.	Throckmorton.
Kennedy.	Walker.

Present—Not Voting.

Kincaid.

Absent.

Barron.	Johnson.
Bonham.	Land.
Cox.	Loftin.
Davis.	Olsen.
Denman.	Parrish of Travis.
Dunlap.	Pool.
Gates.	Reagan.
Graves.	Smith of Smith.
Gray.	Snelgrove.
Harman.	Stout.
Hefley.	Sutton.

Swain.	Wallace of Smith.
Teer.	Whitaker.
Veatch.	

Absent—Excused.

Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
McKean.	

SENATE BILL NO. 22 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 22, A bill to be entitled "An Act to amend Article 3742 of the Revised Civil Statutes of 1925, providing for the perpetuation of testimony, so as to include as a part of said Article 3742 applications or petitions for the probate of wills, within the meaning of the word 'suit' as used in said article, and to provide the mode and manner of service of notice on the application or statement of the party desiring to perpetuate testimony for use in an anticipated application or petition for the probate of a will, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 22 ON THIRD READING.

Mr. Sinks moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	Durham.
Acker.	Enderby.
Alexander.	Farrar.
Anderson.	Faulk.
Avis.	Finlay.
Barnett.	Fly.
Barron.	Forbes.
Bass.	Foster.
Bateman.	Gibson.
Bird.	Gilbert.
Black.	Gray.
Boggs.	Hall.
Bonham.	Harding.
Boon.	High.
Branch.	Holder.
Brown.	Holland.
Cornwell.	Hornaday.
Cummings.	Jacks.
Daniel.	Johnson.
DeBerry.	Jones.

Justice.	Rowell.
Kayton.	Runge.
Kincaid.	Satterwhite.
King of Hopkins.	Shaver.
King of	Shearer.
Throckmorton.	Sheats.
Kinnear.	Shirley.
Kirkland.	Simmons.
Land.	Sinks.
Long.	Smith of El Paso.
Loy.	Smith of Nueces.
Masterson.	Smyth.
McCombs.	Snelgrove.
McGill.	Swain.
McKean.	Taylor.
Merritt.	Teer.
Minor.	Turner.
Montgomery.	Van Zandt.
Morse.	Veatch.
Moursund.	Waddell.
Murphy.	Walker.
Nabors.	Wallace
Nicholson.	of Freestone.
Parish of Runnels.	Wallace of Panola.
Pavlica.	Ware.
Pearce.	Wassell.
Pope.	Webb.
Powell.	Wells.
Purl.	Williams
Ramsey.	of Sabine.
Rawlins.	Williams
Renfro	of Travis.
of Angelina.	Williamson.
Renfro of Mills.	Woodall.
Rogers of Hays.	Woodruff.
Rogers of Shelby.	Young.

Nays—3.

Albritton.	Whitaker.
Kennedy.	

Present—Not Voting.

Eickenroht.

Absent.

Beck.	Olsen.
Conway.	Parrish of Travis.
Cox.	Poage.
Davis.	Pool.
Denman.	Porter.
Dunlap.	Reagan.
Duvall.	Sanders.
Gates.	Smith of Smith.
Graves.	Stevenson.
Harman.	Storey.
Hefley.	Stout.
Kemble.	Sutton.
Lipscomb.	Wallace of Smith.
Loflin.	

Absent—Excused.

Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

The Speaker then laid Senate bill No. 22 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111.

Mr. Speaker.	Moursund.
Acker.	Murphy.
Albritton.	Nabors.
Alexander.	Nicholson.
Anderson.	Parish of Runnels.
Avis.	Pavlica.
Barnett.	Pearce.
Barron.	Pope.
Bass.	Porter.
Bateman.	Powell.
Bird.	Purl.
Black.	Ramsey.
Boggs.	Rawlins.
Boon.	Renfro
Branch.	of Angelina.
Brown.	Renfro of Mills.
Conway.	Rogers of Hays.
Cornwell.	Rogers of Shelby.
Cummings.	Rowell.
Daniel.	Runge.
DeBerry.	Sanders.
Durham.	Satterwhite.
Enderby.	Shaver.
Eickenroht.	Shearer.
Farrar.	Sheats.
Faulk.	Shirley.
Finlay.	Simmons.
Fly.	Sinks.
Forbes.	Smith of El Paso.
Foster.	Smith of Nueces.
Gibson.	Smyth.
Gray.	Snelgrove.
Hagaman.	Stevenson.
Hall.	Swain.
Harding.	Taylor.
High.	Teer.
Holder.	Turner.
Holland.	Van Zandt.
Hornaday.	Veatch.
Jacks.	Waddell.
Johnson.	Walker.
Jones.	Wallace
Justice.	of Freestone.
Kayton.	Wallace of Panola.
Kincaid.	Ware.
King of Hopkins.	Wassell.
King of	Webb.
Throckmorton.	Wells.
Kinnear.	Whitaker.
Kirkland.	Williams
Land.	of Sabine
Long.	Williams
Loy.	of Travis.
Masterson.	Williamson.
McCombs.	Woodall.
McGill.	Woodruff.
Minor.	Young.
Morse.	

Present—Not Voting.

Kennedy.

Absent.

Beck.	Loftin.
Bonham.	Merritt.
Cox.	Montgomery.
Davis.	Olsen.
Denman.	Parrish of Travis.
Dunlap.	Poage.
Duvall.	Pool.
Gates.	Reagan.
Gilbert.	Smith of Smith.
Graves.	Storey.
Harman.	Stout.
Hefley.	Sutton.
Kemble.	Wallace of Smith.
Lipscomb.	

Absent—Excused.

Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Kenyon.	Stell.
Kirby.	Tillotson.
McKean.	

HOUSE JOINT RESOLUTION NO. 16
ON SECOND READING.

The Speaker laid before the House, on its second reading,

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas, providing for the election by the qualified voters of the State of Texas of a Secretary of State and prescribing the duties of the Secretary of State, and providing a salary for the Secretary of State.

The resolution was read second time.

Mr. Fly offered the following (committee) amendment to the resolution:

Amend House joint resolution No. 16 by striking out all of Section 3, and in lieu thereof insert the following:

Section 3. The foregoing amendment to the Constitution shall be submitted to the vote of the qualified voters of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D. 1928, at which election all voters favoring said proposed amendment shall have written or printed on their ballot the words:

"For amendment to the Constitution of the State of Texas, amending Section 21, of Article 4, providing for the election of the Secretary of State by the qualified voters of the State."

"Against amendment to the Constitution of the State of Texas, amending Section 21, of Article 4, providing for the election of the Secretary of State by the qualified voters of the State."

The amendment was adopted.

Mr. Fly offered the following amendment to the resolution:

Amend House joint resolution No. 16, line 34, page 1, by striking out "\$6,000," and inserting "\$4,000."

The amendment was adopted.

Mr. Fly offered the following amendment to the resolution:

Amend committee amendment to House joint resolution No. 16, page 3, line 19, by striking out the words "favoring said proposed amendment."

The amendment was adopted.

House joint resolution No. 16 was then finally passed by the following vote:

Yeas—103.

Mr. Speaker.	Kirkland.
Acker.	Land.
Albritton.	Lipscomb.
Alexander.	Long.
Anderson.	Loy.
Avis.	Masterson.
Barnett.	McCombs.
Barron.	Merritt.
Bass.	Montgomery.
Bird.	Morse.
Black.	Murphy.
Boggs.	Nabors.
Bonham.	Nicholson.
Boon.	Parish of Runnels.
Branch.	Pearce.
Brown.	Pope.
Conway.	Porter.
Cornwell.	Purl.
Cummings.	Ramsey.
Daniel.	Rawlins.
Davis.	Renfro
DeBerry.	of Angelina.
Dunlap.	Rogers of Hays.
Durham.	Rogers of Shelby.
Enderby.	Sanders.
Eickenroht.	Satterwhite.
Farrar.	Shaver.
Faulk.	Shearer.
Finlay.	Sheats.
Fly.	Shirley.
Forbes.	Simmons.
Gilbert.	Sinks.
Graves.	Smith of El Paso.
Gray.	Smith of Nueces.
Hall.	Smyth.
Harding.	Snelgrove.
Hefley.	Stevenson.
High.	Storey.
Holder.	Swain.
Holland.	Taylor.
Hornaday.	Teer.
Jacks.	Van Zandt.
Jones.	Veatch.
Justice.	Waddell.
Kennedy.	Wallace
King of Hopkins.	of Freestone.
King of	Wallace of Panola.
Throckmorton.	Wallace of Smith.
Kinnear.	Ware.

Webb.
Whitaker.
Williams
of Sabine

Williams
of Travis.
Williamson.
Woodruff.
Young.

Nays—18.

Beck.	Pool.
Foster.	Powell.
Gates.	Renfro of Mills.
Kincaid.	Runge.
Loftin.	Smith of Smith.
McGill.	Turner.
Minor.	Walker.
Moursund.	Wassell.
Pavlica.	Wells.

Absent.

Bateman.	Olsen.
Cox.	Parrish of Travis.
Denman.	Poage.
Duvall.	Reagan.
Gibson.	Rowell.
Harman.	Stout.
Johnson.	Sutton.
Kayton.	Woodall.
Kemble.	

Absent—Excused.

Dielmann.	McKean.
Fuchs.	Petsch.
Hagaman.	Smith of Atascosa.
Kenyon.	Stell.
Kirby.	Tillotson.

HOUSE JOINT RESOLUTION NO. 12 ON SECOND READING.

The Speaker laid before the House, for consideration at this time,

H. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas by amending Section 11, of Article 4, investing the power of pardon concurrently in the Governor, the Chief Justice of the Supreme Court and the Attorney General.

The resolution was read second time.

Mr. Pope offered the following (committee) amendments to the resolution:

Amend House joint resolution No. 12, Section 1, by striking out all after the word "conviction," in line 2, down to the word "shall," in line 5, and insert in lieu thereof the following: "The Governor, Chief Justice of the Supreme Court, and Attorney General, or any two of them."

Amend House joint resolution No. 12, page 1, by amending the caption as follows:

"Proposing an amendment to the Constitution of the State of Texas, by amending Section 11, of Article 4, vesting the power of pardon in the Governor, the Chief Justice of the Supreme Court,

and the Attorney General or any two of them."

The amendments were severally adopted.

(Mr. Jacks in the chair.)

Mr. Purl moved that the resolution be laid on the table subject to call.

Mr. Van Zandt moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—77.

Albritton.	Parish of Runnels.
Avis.	Pearce.
Barron.	Poage.
Bass.	Purl.
Beck.	Ramsey.
Bird.	Renfro
Black.	of Angelina.
Branch.	Rogers of Hays.
Conway.	Rogers of Shelby.
Cox.	Rowell.
Durham.	Runge.
Enderby.	Sanders.
Eickenroht.	Satterwhite.
Farrar.	Shaver.
Faulk.	Sheats.
Fly.	Shirley.
Forbes.	Simmons.
Gates.	Sinks.
Gilbert.	Smith of Nueces.
Graves.	Smyth.
Gray.	Snelgrove.
Hall.	Storey.
Harding.	Stout.
High.	Swain.
Holder.	Van Zandt.
Justice.	Veatch.
Kemble.	Waddell.
King of Hopkins.	Walker.
King of	Wallace
Throckmorton.	of Freestone.
Kirkland.	Wallace of Panola.
Lipscomb.	Wallace of Smith.
Loftin.	Ware.
Long.	Webb.
Loy.	Wells.
Masterson.	Whitaker.
Merritt.	Williams
Murphy.	of Sabine.
Nabors.	Woodall.
Olsen.	

Nays—38.

Anderson.	Gibson.
Barnett.	Harman.
Bateman.	Holland.
Boon.	Jones.
Brown.	Kayton.
Cornwell.	Kennedy.
Cummings.	Kincaid.
Davis.	Kinnear.
DeBerry.	Land.
Finlay.	McCombs.
Foster.	Minor.

Montgomery.	Stevenson.
Morse.	Sutton.
Moursund.	Taylor.
Pavlica.	Teer.
Pope.	Turner.
Porter.	Williams
Rawlins.	of Travis.
Renfro of Mills.	Young.
Shearer.	

Present—Not Voting.

Smith of Smith.

Absent.

Acker.	McGill.
Boggs.	Nicholson.
Bonham.	Parrish of Travis.
Daniel.	Pool.
Denman.	Powell.
Dunlap.	Reagan.
Duvall.	Smith of El Paso.
Hefley.	Wassell.
Hornaday.	Williamson.
Jacks.	Woodruff.
Johnson.	

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

House joint resolution No. 12 then failed to pass by the following vote:

Yeas—35.

Acker.	McCombs.
Barnett.	Minor.
Bass.	Montgomery.
Boggs.	Morse.
Brown.	Pearce.
Daniel.	Pope.
Davis.	Renfro
Enderby.	of Angelina.
Hall.	Shearer.
Harman.	Shirley.
High.	Simmons.
Jones.	Smith of Nueces.
Kayton.	Van Zandt.
Kennedy.	Waddell.
King of	Walker.
Throckmorton.	Wallace of Smith.
Kinnear.	Whitaker.
Kirkland.	Williams
Loy.	of Sabine

Nays—83.

Albritton.	Branch.
Anderson.	Conway.
Avis.	Cornwell.
Bateman.	Cummings.
Beck.	DeBerry.
Bird.	Eickenroht.
Black.	Farrar.
Boon.	Faulk.

Finlay.	Ramsey.
Fly.	Rawlins.
Forbes.	Renfro of Mills.
Foster.	Rogers of Hays.
Gates.	Rogers of Shelby.
Gilbert.	Rowell.
Graves.	Runge.
Gray.	Sanders.
Harding.	Satterwhite.
Hefley.	Shaver.
Holder.	Sheats.
Johnson.	Sinks.
Justice.	Snelgrove.
Kemble.	Stevenson.
Kincaid.	Storey.
King of Hopkins.	Stout.
Land.	Sutton.
Lipscomb.	Swain.
Loftin.	Taylor.
Long.	Teer.
Masterson.	Turner.
McGill.	Wallace
Merritt.	of Freestone.
Murphy.	Wallace of Panola.
Nabors.	Ware.
Nicholson.	Wassell.
Olsen.	Webb.
Parish of Runnels.	Wells.
Pavlica.	Williams
Poage.	of Travis.
Pool.	Woodall.
Porter.	Woodruff.
Powell.	Young.
Purl.	

Absent.

Barron.	Jacks.
Bonham.	Moursund.
Cox.	Parrish of Travis.
Denman.	Reagan.
Dunlap.	Smith of El Paso.
Durham.	Smith of Smith.
Duvall.	Smyth.
Gibson.	Veatch.
Holland.	Williamson.
Hornaday.	

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

HOUSE JOINT RESOLUTION NO. 5
ON SECOND READING.

The Speaker laid before the House, for consideration at this time,

H. J. R. No. 5, Proposing an amendment to the Constitution, so as to make taxable University lands in the county where located.

The resolution having heretofore been read second time.

Mr. Boggs offered the following amendments to the resolution:

Amendment No. 1.

Amend House joint resolution No. 5, Section 16, by adding at the end of Section 1, as amended, the following words: "Provided the valuation for taxation of these University of Texas lands shall be set by a board composed of the State Land Commissioner, State Treasurer and State Comptroller, as long as same is owned by the University of Texas."

Amendment No. 2.

Amend House joint resolution No. 5, Section 16, by adding at the end of Section 1, as amended, the following words: "Provided that the taxes for which said lands may be taxed for county and school purposes shall not exceed the following maximum rates on the one hundred dollars valuation:

"General county fund, 25 cents; jury fund, 15 cents; road and bridge fund, 30 cents; school tax, \$1.00; aggregating a maximum total of \$1.70 on the one hundred dollar valuation, and it is expressly provided that said lands shall never be liable for any tax other than the taxes set out as long as owned by the University of Texas."

Amendment No. 3.

Amend House joint resolution No. 5, Section 16, as amended, by adding at the end of Section 1 the following words: "Said land having been allotted to the University of Texas by the Constitution of 1876, and by an act of the Legislature, approved April 10, 1883."

The amendments were severally adopted.

Mr. Boggs offered the following amendments to the resolution:

Amend House joint resolution No. 5, committee amendment No. 1, by inserting between the words "of" and "section," the following: "lines 13 and 14 of."

Amend caption of House joint resolution No. 5 to read as follows:

"Proposing an amendment to the Constitution so as to make taxable for county and school purposes the University of Texas lands in the county where located, allotted by the Constitution of 1876, and by an act of the Eighteenth Legislature approved April 10, 1883; providing the maximum rate of said taxes; providing a board to set the valuation of said lands for taxation purposes."

The amendments were severally adopted.

(Speaker in the chair.)

Mr. Satterwhite moved the previous question on the passage of the resolution, and the main question was ordered.

House joint resolution No. 5 was then finally passed by the following vote:

Yeas—107.

Acker.	McGill.
Alexander.	Merritt.
Avis.	Minor.
Barnett.	Montgomery.
Bass.	Morse.
Bateman.	Murphy.
Beck.	Nabors.
Bird.	Nicholson.
Black.	Olsen.
Boggs.	Parish of Runnels.
Boon.	Pavlica.
Conway.	Pearce.
Cornwell.	Poage.
Cox.	Pope.
Cummings.	Porter.
Daniel.	Purl.
Davis.	Ramsey.
DeBerry.	Renfro
Dunlap.	of Angelina.
Durham.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Enderby.	Rowell.
Eickenroht.	Runge.
Faulk.	Sanders.
Finlay.	Satterwhite.
Fly.	Shearer.
Foster.	Sheats.
Gates.	Shirley.
Gibson.	Simmons.
Graves.	Smith of Nueces.
Gray.	Smith of Smith.
Hall.	Smyth.
Harding.	Snelgrove.
Harman.	Stevenson.
Hefley.	Storey.
Holland.	Sutton.
Jacks.	Swain.
Johnson.	Turner.
Jones.	Van Zandt.
Justice.	Veatch.
Kayton.	Waddell.
Kemble.	Walker.
Kennedy.	Wallace
Kincaid.	of Freestone.
King of Hopkins.	Wallace of Panola.
King of	Wallace of Smith.
Throckmorton.	Ware.
Kinnear.	Wassell.
Kirkland.	Webb.
Land.	Whitaker.
Lipscomb.	Williams
Loftin.	of Sabine.
Long.	Williamson.
Loy.	Woodall.
Masterson.	Young.

Nays—18.

Albritton.	Powell.
Barron.	Sinks.
Farrar.	Smith of El Paso.
Forbes.	Stout.
High.	Taylor.
Holder.	Teer.
Hornaday.	Wells.
McCombs.	Williams
Moursund.	of Travis.
Pool.	Woodruff.

Absent.

Anderson.	Parrish of Travis.
Bonham.	Rawlins.
Branch.	Reagan.
Brown.	Renfro of Mills.
Denman.	Shaver.
Gilbert.	

Absent—Excused.

Dielmann.	McKean.
Fuchs.	Petsch.
Hagaman.	Smith of Atascosa.
Kenyon.	Stell.
Kirby.	Tillotson.

Mr. DeBerry moved to reconsider the vote by which the resolution was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 16, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 2, Memorializing Congress to enact legislation affecting stabilizing marketing of agricultural products.

S. J. R. No. 14, A joint resolution proposing to amend Sections 2, 4, 6, 7, 9, 15, 18, 20, 21 and 2, Article 5, Constitution of Texas, with engrossed rider.

H. B. No. 57, A bill to be entitled "An Act to amend Articles 2238, 2239 and 2240, of the Revised Civil Statutes of Texas of 1925, by adding Articles 2242a and 2241b, providing that if appellant or his attorney delivers bills of exceptions and statements of fact to appellee or his attorney, and same are not returned to the appellant or his attorney, approved or disapproved within ten days after same have been delivered to him, the judge of the trial court shall thereupon, on proof being offered by appellant or his attorney that ten days or more have elapsed and that said bills

of exceptions and statements of facts have not been returned to appellant or his attorney, make out and file proper bills of exceptions and statement of facts," with amendment.

H. B. No. 147, A bill to be entitled "An Act to amend Article 2249 of the Revised Civil Statutes of Texas, 1925, adopted at the Regular Session of the Thirty-ninth Legislature, so as to repeal that portion of said article allowing an appeal to the Court of Civil Appeals from every order of any district or county court in civil cases; granting motions for new trials, and declaring an emergency," with amendments.

Senate agrees to concur in House amendments to Senate bill No. 60.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 15
ON SECOND READING.

The Speaker laid before the House, for consideration at this time,

H. J. R. No. 15, Proposing an amendment to Section 51, Article 3, of the Constitution of the State of Texas authorizing a tax levy for Confederate soldiers and sailors and their widows, and providing for submission of same to the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, A. D. 1928, and providing for the necessary proclamation and appropriation to defray expenses of proclamation, publication and election.

The resolution was read second time.

Mr. Fly offered the following (committee) amendment to the resolution:

Amend House joint resolution No. 15 as follows:

H. J. R. No. 15, Proposing an amendment to Section 51, Article 3, of the Constitution of the State of Texas, authorizing a tax levy for Confederate soldiers and sailors and their widows, and providing for submission of same to the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, A. D. 1928, and providing the necessary proclamation and appropriation to defray expenses of proclamation, publication and election.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 51, of Article 3, of the Constitution of the State of

Texas be amended so as to read as follows:

"The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors under such regulations and limitations as may be deemed by the Legislature as expedient, and to their widows in indigent circumstances under such regulations and limitations as may be deemed by the Legislature as expedient; to indigent and disabled soldiers, who, under special laws of the State of Texas, during the war between the States, served in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia who were in active service during the war between the States, and to the widows of such soldiers who are in indigent circumstances, and who are or may be eligible to receive aid under such regulations and limitations as may be deemed by the Legislature as expedient; and also grant for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided the Legislature may provide for husband and wife to remain together in the home. There is hereby levied in addition to all other taxes heretofore permitted by the Constitution of Texas, a State ad valorem tax on property of seven (\$.07) cents on the one hundred (\$100) dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers serving in said armies, navies, organizations or militia; provided that the Legislature may reduce the tax rate herein levied, and provided further, that the provisions of this section shall not be construed so as to prevent the grant of aid in cases of public calamity."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, A. D. 1928, at which all ballots shall have printed thereon "For the constitutional amendment authorizing aid

to Confederate soldiers and sailors and their widows in indigent circumstances, and authorizing tax levy therefor," and "Against the constitutional amendment authorizing aid to Confederate soldiers and sailors and their widows in indigent circumstances and authorizing tax levy therefor." Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment.

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State. The expense of publication and election for such amendment shall be paid by appropriation, not exceeding \$5,000.

The amendment was adopted.

House joint resolution No. 15 was then finally passed by the following vote:

Yeas—103.

Mr. Speaker.	Kayton.
Albritton.	Kennedy.
Alexander.	Kincaid.
Avis.	King of Hopkins.
Barnett.	Kinnear.
Barron.	Land.
Bass.	Loftin.
Bateman.	Long.
Beck.	Loy.
Bird.	Masterson.
Black.	Minor.
Boggs.	Montgomery.
Conway.	Morse.
Cornwell.	Moursund.
Cox.	Murphy.
Cummings.	Nabors.
Daniel.	Olsen.
Davis.	Parish of Runnels.
DeBerry.	Pavlica.
Durham.	Pearce.
Duvall.	Poage.
Enderby.	Pool.
Eickenroht.	Pope.
Farrar.	Porter.
Faulk.	Powell.
Fly.	Purl.
Forbes.	Ramsey.
Gates.	Renfro of Mills.
Gibson.	Rogers of Hays.
Graves.	Rogers of Shelby.
Gray.	Runge.
Hall.	Sanders.
Harman.	Satterwhite.
Hefley.	Shearer.
High.	Sheats.
Holder.	Shirley.
Holland.	Simmons.
Hornaday.	Sinks.
Jacks.	Smith of El Paso.
Johnson.	Smyth.
Justice.	Snelgrove.

Stevenson.	Wallace of Panola.
Storey.	Ware.
Stout.	Webb.
Sutton.	Wells.
Swain.	Williams
Taylor.	of Sabine.
Turner.	Williams
Veatch.	of Travis.
Waddell.	Williamson.
Walker.	Woodall.
Wallace	Woodruff.
of Freestone.	Young.

Nays—5.

Finlay.	Kirkland.
King of	Van Zandt.
Throckmorton.	Whitaker.

Absent.

Acker.	McGill.
Anderson.	Merritt.
Bonham.	Nicholson.
Boon.	Parrish of Travis.
Branch.	Rawlins.
Brown.	Reagan.
Denman.	Renfro
Dunlap.	of Angelina.
Foster.	Rowell.
Gilbert.	Shaver.
Harding.	Smith of Nueces.
Jones.	Smith of Smith.
Kemble.	Teer.
Lipscomb.	Wallace of Smith.
McCombs.	Wassell.

Absent—Excused.

Dielmann.	McKean.
Fuchs.	Petsch.
Hagaman.	Smith of Atascosa.
Kenyon.	Stell.
Kirby.	Tillotson.

HOUSE BILL NO. 57 WITH SENATE AMENDMENTS.

Mr. Gray called up from the Speaker's table, with the Senate amendments, for the consideration of the amendments,

H. B. No. 57, A bill to be entitled "An Act relative to the filing or delivery of bills of exception and statements of facts."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Gray, the House concurred in the Senate amendments.

SENATE BILL NO. 102 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 102, A bill to be entitled "An Act authorizing the district attorney of the criminal district court for the counties of Nueces, Kleberg, Willacy and Cameron to appoint assistant district attorneys and investigators; providing for their salaries; prescribing their qualifications and duties, and declaring an emergency."

The bill was read second time.

Mr. Hornaday offered the following amendment to the bill:

Amend Senate bill No. 102 by striking out all after the enacting clause, and insert the following in lieu thereof:

Section 1. The district attorney of any criminal district court only for more than one county may appoint one assistant district attorney for each county containing a population of 22,000 or more as shown by the last preceding census of the United States, provided said district attorney shall furnish data to the judge of said criminal district court that he is in need of said assistants and it is necessary for the investigation and prosecution of crime and the efficient enforcement of law and to the best interest of the State that such assistant district attorneys be appointed. And when said data is furnished to said judge of said criminal district court he shall forthwith certify the same to the commissioners court of the county in which such appointment is to be made.

And said district attorney is hereby authorized, with the approval of the commissioners court of such county, to appoint one assistant district attorney for each county, as provided above, who shall receive a salary to be fixed by said commissioners court in such county not to exceed \$2,400 per annum. The salary of such assistant district attorneys above provided for shall be paid by the county for which said assistant is appointed, by warrant drawn on the general funds thereof, all salaries payable monthly.

Every person so appointed shall be a qualified resident attorney of the county and district in which such appointment is made, and shall give bond and take the oath of office required of district attorneys of this State, and shall have the power and authority to perform all the acts and duties of district attorneys under the law of this State, and said appointments shall be for such time as the district attorney shall deem best in the enforcement of the law, not to be less than one month.

Sec. 2. The assistant district attorneys, above provided for when ap-

pointed and qualified, shall be authorized to represent the State in any court or proceeding in said district in which such district attorney is or shall be authorized to represent the State, such authority to be exercised under the direction of said district attorney, and said assistant district attorneys shall be authorized to perform any official act devolving upon or authorized by said district attorney in said district.

Sec. 3. Said district attorney may likewise be and is hereby authorized, with the approval of such county commissioners court of each county wherein an assistant district attorney may be appointed as provided by this act, to appoint one special investigator for each of said counties wherein an assistant district attorney may be appointed as provided by this act, at a salary to be fixed by said commissioners court not to exceed \$2,400 per annum. The salary of such special investigator above provided for shall be paid by each county in which a special investigator is appointed, by warrant drawn on the general funds thereof, all such salaries to be payable monthly. Said assistant district attorneys and special investigator is appointed, by warrant drawn on the general funds thereof, all such salaries to be payable monthly. Said assistant district attorneys and special investigators shall be subject to removal at the will of said district attorney. This article is not intended to repeal any other law now existing, but is cumulative thereof.

Sec. 4. The importance of this measure and the fact that there is now no law authorizing the appointment of assistant district attorneys for certain criminal district courts, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Amend Senate bill No. 102 by adding a new section at end of Section 2, which shall read as follows:

"Sec. 2a. The provisions of this bill shall apply to criminal district courts only;" and renumber the following sections accordingly.

Question—Shall the amendments be adopted?

On motion of Mr. Jacks further consideration of the bill was postponed until tomorrow.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. C. R. No. 10, Providing for portrait of Governor Miriam Ferguson.

S. B. No. 60, "An Act amending Section 4, of Chapter 29, of the General Laws of the Second Called Session of the Thirty-eighth Legislature, and adding thereto Section 4a; and amending Section 7 of said Chapter 29, so as to exempt from the inheritance tax provided for in said chapter bequests, devises, gifts, grants, conveyances and transfers of any kind or character whatsoever passing to or for the use of religious, educational or charitable organizations located within this State or to a city, town or county within this State or to the State of Texas, to be used within this State," etc.

S. B. No. 58, "An Act to amend Article 3116 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses, and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense so as to limit the amount required to be paid by candidates for chief justice or associate justice of a Court of Civil Appeals, or for representative in Congress, for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties, and declaring an emergency."

S. B. No. 16, "An Act to make it unlawful for any person, firm or private corporation within this State to divert the natural flow of the surface waters in this State or to permit such a diversion to continue after the passage of this act, or to impound any waters or to permit the impounding thereof to continue after the passage of this act in such a manner as to damage the property of another; and to provide that in all such cases the injured party shall have remedies, both at law and in equity, and declaring an emergency."

S. B. No. 227, "An Act authorizing any county in this State upon a vote of two-thirds majority of the resident tax-paying voters thereof to issue bonds," etc.

BILL ORDERED NOT PRINTED.

On motion of Mr. Finlay, Senate bill No. 171 was ordered not printed.

SENATE JOINT RESOLUTION ON FIRST READING.

Senate joint resolution No. 14, received from the Senate today, was laid before the House, read first time and referred to the Committee on Constitutional Amendments.

RELATING TO HOUSE BILL NO. 107.

On request of Speaker Bobbitt, the following corrections were ordered made in House bill No. 107:

The last section was ordered changed so as to read 20 instead of 21.

ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 5:25 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.**STANDING COMMITTEE REPORTS.**

The following standing committees have today filed favorable reports on bills as follows:

School Districts: House bill No. 524.

Game and Fisheries: House bills Nos. 426, 480; Senate bills Nos. 107, 235.

Criminal Jurisprudence: House bills Nos. 412, 242, 243.

Agriculture: House bills Nos. 344, 308.

Conservation and Reclamation: House bills Nos. 557, 556.

Appropriations: House bills Nos. 525, 352, 398.

Judiciary: House bills Nos. 485, 470, 491, 315, 470; Senate bill No. 141.

Education: House bills Nos. 315, 443; Senate bill No. 171.

State Affairs: Senate bill No. 227.

Banks and Banking: House bills Nos. 545, 535, 546.

Constitutional Amendments: Senate joint resolution No. 6; House joint resolution No. 9.

The following standing committees have today filed adverse reports on bills as follows:

Criminal Jurisprudence: House bills Nos. 377, 276, 448, 435.

Municipal and Private Corporations: House bill No. 478.

Privileges, Suffrage and Elections: House bills Nos. 544, 54.

Education: House bill No. 482.

CHANGES IN STANDING COMMITTEES ANNOUNCED.

The following changes were announced in the standing committees:

Mr. Smith of Atascosa was placed on the Revenue and Taxation Committee to succeed Mr. Dale.

Mr. Van Zandt was placed on the Federal Relations Committee to succeed Mr. Dale.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 16, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 118, A bill to be entitled "An Act to amend Articles 5431 and 5432, of Title 88, of the Revised Civil Statutes of the State of Texas of 1925, relating to damages by libel, mitigation of damages occasioned by libel, and the defenses in causes of action for libel, and defining privileged matters,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, February 16, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 52, "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; creating and organizing the One Hundred and Seventh Judicial District," etc.,

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

In Memory
of
Miss Edna Rugel

Mr. Davis offered the following resolution:

Whereas, The House has learned with feelings of profound sorrow of the death of Miss Edna Rugel, clerk on Contingent Expense, and daughter of Hon. J. C. Rugel, a former member of this body, which occurred at Dallas on the evening of February 15; and

Whereas, Miss Rugel was a young woman of highest character, and by her kindness and thoughtfulness endeared herself to those with whom she came in contact, and rendered highly efficient service to the House; therefore, be it

Resolved, That the members of the House extend to her family, individually and collectively, sympathy in their hour of sorrow; that a copy of this resolution be furnished the family; and, be it further

Resolved, That a floral offering be sent, to be paid for out of the contingent expense fund of the House.

DAVIS,
HEFLEY,
HALL,
SMITH of Nueces,
HIGH,
PEARCE,
POPE.

The resolution was read second time and was adopted by a rising vote.